

Gender Activism and the Islamic Revival

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Abstract

The thesis, based on research into written works, aims to de-essentialise the terms 'feminism' and 'fundamentalism'. Drawing on the growing anthropological evidence of a 'feminist' type activism within an Islamic framework, I analyse this global phenomena of Gender Activism. I explore the important intersections between gender activism and the Islamic revival. In order to give focus to the study and to highlight the specifics at the national level, I include case studies of gender activism in the context of increasing Islamism in present day Egypt and Iran. The Islamic revival has meant that the issue of gender has re-emerged as an area of conflict between, on the one hand, Western countries endorsing international human rights norms and, on the other hand, Muslim countries drawing on pre-modern *Shari'a* Laws. The globalisation of Islam in the last two decades has resulted in the world-wide promotion of a particular model of the 'Ideal Islamic Woman'. This model, which reflects the dominant discourse within Islamism, emphasises the inferiority and natural domesticity of women.

I look at how gender activists fight this restrictive monolithic image of women put forward by Islamists as being part of 'true Islam'. Muslim women are reclaiming their history and religion for themselves. They have reinterpreted the Qur'an and *Sunna* in radically new ways and have drawn upon the egalitarian propositions evident within them. Their work shows how during the spread of Islam in its first centuries restrictive interpretations were built into the *Shar'iah* by male jurists. This has resulted in an association of orthodox Islam with 'patriarchy'. Today, Islamists in Egypt and Iran attempt to restore legal discriminations against women based on pre-modern *Shari'a* Law. Gender activists are fighting such legislation unfavourable to women in the areas of marriage and divorce using religiously-based arguments. Islamist women themselves are actively involved in this battle against the dominant model of the 'Ideal Islamic Woman'. The feminism of Islamist women provides a valuable warning against the persistence of Orientalist attitudes. It leads us to question the definition and very nature of religion and 'feminism'.

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Preface

As a Muslim woman, I had for many years been confronted with the dilemma of trying to reconcile my beliefs in female autonomy with my faith. At the same time, coming from what might be perceived to be a rather a liberal and 'modernist' background, I became increasingly bewildered by the image of the Muslim woman as projected by the Islamic revival. It seemed to me that for many Muslim women it was very difficult, if not nearly impossible, to reconcile what appeared to be two diametrically opposed ways of thinking: one's faith in the religion of Islam versus one's views of the total inherent equality between men and women in the social, economic and political spheres as well as in family life. The media exacerbated the divide by depicting an ever increasing polarisation between a gender inequalitarian Muslim world and a secular West.

Like many other women the world over I found myself asking whether it was actually possible to be a 'Muslim feminist'. Even a decade ago such a position would have been untenable. However, in my quest for answers I discovered that the Islamic revival had in fact made many women deeply re-examine their faith. Consequently there now exist a number of serious attempts to reconcile feminism with Islam. Since I did not feel that my own training and knowledge of Arabic was sufficient for an in depth investigation into the Islamic texts themselves, I considered that it would be useful to analyse what others had written on the subject. Furthermore, since I had neither the resources nor the time to devote to an in-depth fieldwork study into Muslim societies, I was therefore forced to conduct my investigation largely on the written texts. My research has been inspired in the main by Dr. Riffat Hassan, who is a rare example of a Muslim woman theologian. What follows is an investigation into the work of scholars such as her who are all working courageously, and despite enormous pressure from conservative forces, to formulate an 'Islamic feminism' or 'gender activism'. The following thesis is thus the result of a very personal quest for answers.

A Note on Methodology

My research consisted mainly of the analysis of written texts. My initial survey of the literature revealed the availability of material on a number of Muslim countries. Although I had hoped to cover a wide geographical area, however, in view of the sheer volume of material available I was forced to limit myself to in-depth study of two countries only. In my search for source material I consulted the libraries of the London School of Economics & Political Science (the B.L.P.E.S.) and the School of Oriental & African Studies, and the specialist collections of the following organisations: *Women Living Under Muslim Laws*; *Women Against Fundamentalism*; and, *Change*. I delved into numerous books, journals, pamphlets, magazines and newsletters. Further refinement of thoughts and ideas was achieved by contacting various individual 'experts' - anthropologists, feminist activists and Islamic specialists - and organisations in order to seek their view-points. I had the opportunity to discuss many topics in depth with Muslims at the Islamic Societies and Women's Study Circles of a number of British Universities. Certain limitations were imposed on my research due to the lack of access to original Arabic and Persian texts. However, translations were available for most of the material and many of the authors I was concerned with had chosen to write in English.

The development of my ideas was also supplemented and, I believe, enriched by many a discussion/debate/argument with colleagues, friends and family. My recent introduction into an 'Islamist' family environment has enabled me to gain a deeper and more in-depth knowledge of the Islamic revival on a first-hand basis. Contrary to my expectations, my personal experience in this atmosphere has in fact served to dispel many of the assumptions and stereotypes I previously had of Islamist women. This interaction enabled me to achieve a deeper understanding of the views of Islamist women. Furthermore, I was forced to reflect on the diversity of forms and ideas evident within 'feminism' and the religious revival.

Glossary

<i>Allah</i>	Literally, the one or oneness. Arabic word for God
<i>Al-ziyy al-Islami</i>	Refers to a certain 'Islamic' dress code and largely consists of a variety of styles of headgear (and sometimes face coverings) and garments that are loose-fitting, ankle-length and long sleeved
<i>Aql</i>	Sense, reason, understanding; rationality
<i>Ayah</i>	A verse in the Qu'ran
<i>Bulugh</i>	Maturity; attainment, arrival (at)
<i>Burqa</i>	Middle East: refers to face mask, made of fabric or leather, which covers the entire face except for the eyes. In Indian sub-continent: refers to garment covering the whole body, similar to a <i>chador</i>
<i>Chador</i>	A square of fabric that falls from the top of the head to the ankles and is held or pinned closed under the chin.
<i>Da'wa</i>	Preaching; the inviting of others (specifically to the religion)
<i>Fatwa</i>	A formal legal opinion or decision issued by a religious leader (a <i>mujtahid</i>) on a matter of religious law
<i>Faskh</i>	Annulment (of marriage)
<i>Fiqh</i>	Islamic jurisprudence
<i>Fitna</i>	Chaos, civil war. In some Arab countries, <i>fithna</i> is also a slang term for a beautiful woman
<i>Gharbzadegi</i>	Westoxication, fascination with the West
<i>Hadith</i>	A saying of the Prophet Mohammad or a saying about him or his teachings by contemporaneous sources; tradition
<i>Hajj</i>	The pilgrimage to Makkah that all Muslims are obliged to make at least once in their lives, if they have the means to so do. Also, the month of the Islamic calendar in which the pilgrimage takes place
<i>Hanafi</i>	One of the four main schools of Sunni legal and religious thought
<i>Hanbali</i>	The strictest of the four main schools of Sunni legal and religious thought

<i>Hijab</i>	Literally, a curtain. Generally, refers to a code of dressing or more specifically the head-cover
<i>'Idda</i>	Waiting period that all divorced or widowed women must observe
<i>Ijab</i>	Offer
<i>Ijma'</i>	Consensus
<i>Ijtihad</i>	Independent judgement in legal and theological matters
<i>Imam</i>	Leader of community prayers. Also, among Shi'ites, the first twelve leaders of their community were given the title. Many Iranians revived the term for the Ayatollah Khomeini
<i>Infitah</i>	Opening; specifically referring to Sadat's 'open-door policy' in Egypt
<i>Isnad</i>	Chain of transmitters of a <i>hadith</i>
<i>Jabr</i>	Compulsion; the guardian's constraining power to suppress a woman's consent to marriage
<i>Jamaat-i-Islami</i>	Islamic organisation founded by Mawdudi in Indian sub-continent; has growing wide-spread support today
<i>Jahiliyya</i>	State of ignorance; specifically the pre-Islamic period
<i>Jihad</i>	Effort, struggle, striving; specifically war to defend Islam. The closest English equivalent is crusade
<i>Kafir</i>	Non-believer of Islam
<i>Khalifa</i>	Successor, caliph
<i>Khul</i>	A type of divorce initiated by a woman in which she gives her husband a kind of compensation in return for his agreement to so divorce
<i>Madrassa</i>	A religious school associated with a mosque. Institutes of Islamic jurisprudence
<i>Mahr</i>	Dower, bride-price
<i>Maliki</i>	One of the four main schools of Sunni legal and religious thought
<i>Mujtahid</i>	An Islamic jurist who exercises <i>ijtihad</i>
<i>Mujtahideen</i>	Plural of <i>mujtahid</i>
<i>Muslim</i>	Literally, one who submits to Allah's will
<i>Muta'</i>	Temporary marriage
<i>Nafaqah</i>	Maintenance
<i>Nikah</i>	Contract of marriage
<i>Niqab</i>	A veil worn by women that completely covers the face
<i>Nushuz</i>	Disobedience of wife, abandonment of marital duties
<i>Purdah</i>	Institution of segregation of the sexes

<i>Qawwam</i>	Lord, master; one who takes care of
<i>Qabul</i>	Acceptance
<i>Qadi</i>	Judge
<i>Qanun</i>	Law; specifically secular law as opposed to <i>Shari'a</i>
<i>Qu'ran</i>	Islamic holy text revealed to the Prophet Muhammad
<i>Rawi</i>	Narrator, relater, transmitter (of <i>hadith</i>)
<i>Sahih</i>	Authentic (<i>hadith</i>)
<i>Sahabiya</i>	Female companions of the Prophet Muhammad
<i>Shafi</i>	One of the four main schools of Sunni legal and religious thought
<i>Shari'ah</i>	Islamic law
<i>Sigheh</i>	A temporary marriage recognised by the Shi'ites
<i>Shi'ite</i>	Adherent to the Islamic faction that arose in the 7 th Century in a split over who should be the successor to Mohammad. Partisans of Ali ibn Abu Taleb, Mohammad's cousin and son-in-law, and followers of the belief that the leadership should stay with Mohammad's descendants
<i>Shura</i>	Consultation, discussion
<i>Siyasat</i>	Polity
<i>Sunnah</i>	The traditions of the Prophet Mohammad. Those things he did himself, or approved of by him, or that were done in his presence without earning his disapproval.
<i>Sunni</i>	As opposed to <i>Shi'ite</i> . Literally one who follows Mohammad's tradition
<i>Sura</i>	A chapter in the Qu'ran
<i>Talaq</i>	Divorce by repudiation
<i>Ta'aliq</i>	Conditional pronouncement of the <i>talaaq</i>
<i>Tajdid</i>	Renewal; new presentation
<i>Takfir</i>	Charge of unbelief
<i>Tawhid</i>	Belief in the Oneness of God
<i>Ujrat al-mithl</i>	A wife's wages for domestic work
<i>Ulema</i>	A body of religious scholars who interpret Islamic law for the community
<i>Umma</i>	The world-wide Islamic community
<i>Usul al-fiqh</i>	Roots of jurisprudence
<i>Vilayet-e-faqih</i>	Juris-consult
<i>Wali</i>	Guardian
<i>Waqf</i>	Endowment
<i>Wilaayat</i>	Authority; father's right to custody

Note

Translations of Qur'anic Verses cited are from Yusuf Ali

The Holy Qu'ran: Translation, Text and Commentary

Dar al-Arabia, 1968

Introduction: The Muslim Woman in a Global Context

The place of the Muslim woman in society has been seen by Western social scientists, feminist writers and Islamic scholars alike as being especially problematic. The social condition of Muslim women appears to preoccupy non-Muslims as much as the Muslims themselves; as evidenced by the continuous churning out of a plethora of books on the subject of women and Islam. The word 'Islam' in the Western sphere, particularly in the media and popular culture, tends to give rise to a particular image of the Muslim woman and her position and place in society. This image is of an 'oppressed' and subservient Muslim woman. She is usually, seen to be veiled, passive, under-educated and exploited.

The peculiar practices of Islam with regard to its 'oppression' of women have always formed part of the Western narrative of the quintessential 'Otherness' and inferiority of Islam. Early Western ideas of Islam were derived from tales of travellers and crusaders and were augmented by interpretations by clerics of often poorly understood Arabic texts. Edward Said, in his renowned work *Orientalism*, describes how the discourse of Orientalism justified political domination through colonialism (Said 1987:3). This discourse defined the Muslim and the Oriental as "irrational, depraved, immature and incapable of representing himself or governing himself" (Said 1987:40). According to Said, the European encounter with the Orient turned Islam into the very epitome of an Outsider against which the whole of European civilisation from the Middle ages was founded on. The Orientalist vision of Islam, which to an extent persists in scholarly works even today, shows a virulent dislike of Islam. Islam is presumed to be a unitary phenomenon as no other religion is, and shown to be antihuman, incapable of

development, self knowledge or objectivity. The harshest criticism of the inhumanity of Islam lay in the field of gender relations.

Historical writings have made a dubious link between about Islam and sexuality. From the 17th Century onwards, Europeans wrote of a lascivious Islam that had embedded within it a repugnant sexual morality. The Orient was represented as the sexually perverse, erotic and exotic 'Other'. Oriental women, especially Muslim women, were objectified as the embodiment of sensual license and sexual freedom (Abu Shehab 1993). They were represented as irresistibly attractive and dangerous. These images of uninhibited sexuality and eroticism catered to bourgeois Europe's baser instincts. Oriental society was the very antitheses of civilised and ordered Christian society.

The issue of women emerged as the centrepiece of the Western narrative of Islam in the late 19th Century, as Europeans established themselves as colonial powers in Muslim countries. This reorganised narrative was created by a coalescence of the old narrative of Islam (as described by Said) with the language of feminism (Ahmed 1992:150). There was a fusion between the issues of women, their oppression and the cultures of *Other* men. Victorian woman-hood and mores with respect to women came to be regarded as the civilised ideal. The thesis of the new colonial discourse was that Islam was innately and immutably oppressive to women. The 'veil' was the most visible marker of the 'Otherness' and inferiority of Islamic societies. Representation of Muslim Middle-Eastern women by authors such as Burton, Doughty and Dickson reflected English assumptions about women and the idealisation of the monogamous Victorian Household (Pastner 1978). Their writings showed the common Western misconceptions of *pardah* or seclusion, polygyny and the very nature of Middle-Eastern society. While Burton saw the 'erotic' potential of the veil and perceived it to be a 'coquettish article of clothing', the above mentioned writers consistently failed to understand the modesty of veiled and secluded women (*ibid*). They categorically refused to see that the emphasis on sexual segregation and fully clothed women as the epitome of decency was also, indeed characteristic of Victorian society.

1.1 Globalisation and Islam

Today's Muslims frequently reiterate that Orientalist attitudes towards Islam continue amongst much of current scholarship and the media. The negative collage of images allows the idea of Islam as the new enemy replacing communism to take hold in the popular imagination. The Western media continues to portray the image of a monolithic Islam that is violent, inhumane and oppressive to women. The enormous influence of the mass-media in people's lives is linked to rapid cultural flows between nations and typifies the 'globalisation' process (During 1994, Ahmed 1994).

The past two decades have seen a rapid development in communications and the transfer of information between parts of the world. Whilst the process of globalisation may be said to have begun at the time of colonialism, late 20th Century globalisation is fundamentally different in many respects. Today's global process is marked by the accelerated pace at which information and cultural exchanges (facilitated specially by the mass media) take place and the scale and complexity of the exchange. These cultural exchanges are of course not detached from political and economic realities. Despite the potential for democracy that this globalisation could achieve, cultural production and distribution seem to be dominated and monopolised by the Western world. Developing countries on the whole remain merely consumers of Western cultural capital. Many Muslims resent this 'cultural imperialism' of the West (which accompanies economic imperialism) since it is seen to produce conformity and dependence. The significance of the media constitutes a pivotal factor in the infiltration of Western thought world-wide and accounts for the growth of a global discourse.

Today, events and information are relayed around the world in a matter of hours or minutes. The Salman Rushdie affair is a classic example of a matter which arose from anonymity to global notoriety in a very short period of time. During that incident the Western media exacerbated and facilitated a sense of polarisation amongst the Muslims by being intent on delivering a message of a monolithic East versus the West (Ahmed 1994:8). However, it must also be acknowledged that the Western media has in some instances worked positively for Muslims, as in the case of the former Yugoslavia and Bosnia. On this issue it was mainly Western reporters who were responsible for creating a general climate of sympathy for Muslims. The Bosnia problem created an awareness of Muslims as a world community both

amongst Muslims and non-Muslims. Like Palestine, Bosnia is today a rallying point for Muslims and this issue is a frequent theme of sermons in mosques. The issue has been important in creating anti-West and anti-government sentiment amongst Muslims. The Rushdie affair and the Gulf War were important events in politically mobilising Muslims and creating a global awareness of 'Muslim-hood'. Akbar Ahmed argues that it is important to realise that Muslim responses to these events were complex. They clearly reflected more than a mere monolithic confrontation between Islam and the West, as presented by the Western media (Ahmed 1994)

It is not technology alone which carries culture across countries and continents; people do as well. The 20th Century population movements have resulted in a post-industrial Diaspora. Muslim society is of a global nature with over a billion people in 50 different countries (Ahmed 1994:5). The globalisation of markets under capitalism has resulted in enormous numbers of people (a large number of Muslims included) moving around the globe in search of work. Migration and the setting up of new communities in the form of the present day Muslim Diaspora is symbolic of the origins of Islam in Arabia. Many Muslim migrants today thus think of themselves as carrying Islam to new lands and spreading the word. Muslim communities now are part and parcel of almost all Western countries. Within the Diaspora there is a renewed quest for identity and authenticity. The new Islamic movements, the problems of the Muslims without a homeland, and the politics of Muslim countries all fall within the context of a global framework. Globalisation has resulted in the detachment of culture from territory, with no clear anchorage in any one space. It is this de-territorialisation that lies at the heart of a variety of global 'fundamentalisms', including 'Islamic fundamentalism' (Appadurai 1990, Ahmed 1994).

Modern Islamic revivalism or 'fundamentalism' can be understood at one level as a defensive reaction against the growing homogenising tendency of Western culture. Increasing secularisation and breakdown of traditional social structures and thought pattern is associated with modernity. One of the Muslim responses to this breakdown is to escape from the confusion of modernity by finding stability in religion and tradition (Ahmed 1992). Modern Islamic movements try to emphasise harmony and cohesiveness of an Islamic social and moral order. These movements seek to erase ambiguity by playing down contrasting interpretations of the religious message to present a clear, concise, monolithic Islam. It has been suggested

that Islamist movements in the contemporary world may be promoting a homogenisation of ideology and practice, especially concerning women, the family and gender relations (Keddie 1992). This homogenisation may be an attempt to combat the widely diverging interpretations and practices evident with regard to gender in Muslim societies. Such homogenisation creates a unified 'Islamic gender ideology that is then pitted against modern Western gender practices and ideas. In fact it is argued that, relative to non-Muslim areas differences in gender status in the Muslim world are greater in modern times than they were in the past (Keddie 1990). On the other hand the rise of Islamist movements world-wide and the global popular revival of Islam has once again reinforced Western perceptions and stereotypes of Islam as inhumane and inegalitarian.

Global culture and politics are also reflected in the spread and wide appeal of political discourses, movements and institutions such as human rights, women's empowerment and equality, parliamentarism, socialism and democracy. International law and various United Nations 'universal declarations' based on these ideals are accepted and ratified and possibly consistently adhered to by the majority of Member States. Many have argued that although these discourses originated at a particular point in a particular civilisation, they have gained general universal legitimacy, except amongst a small minority of cultural relativists (Mayer 1991, Moghadam 1994). The changing world of ideas of Enlightenment Europe that spawned the 'nation-state', often characterised as central to modernity, also gave rise to new notions of universal standards and measures of morality. Ideas of human rights, dignity and political status mitigated against the increasing power of the State. These human and civil rights were seen as detached from any particular religious or cultural foundations and applicable at all times and in all places. Even as they practised the harsh, unjust 'inequality' of colonial domination many of these contradictory ideals were carried to colonial shores by Europeans. These colonialists left a legacy of Western-style courts and legal codes set within their often arbitrarily crafted colonial states. The independence of the United States in 1776 and the French Revolution in 1798 provided the philosophical basis to Western women for their own insurrections. They began to demand a status of human being equal to that of men: the right to labour, to equal salaries, sexual freedom and autonomy. The Western feminist struggle was largely carried out in the framework of secular ideologies of democracy, equality and freedom.

The concept of 'equality', however, is not a unitary or simple concept (Beteille 1983). It consists of diverse components that are often difficult to reconcile. The 'equality of status' is easy to achieve, at least in the formal sense, by legally abolishing the privileges and disabilities associated with a particular station. It is more difficult - if not impossible - to create full equality of opportunity. When seen in the light of ideas of equality of status of all humans, women seem disadvantaged in many areas under the traditional interpretations of Islamic Law (the *Shari'ah*). Islamic ideas emphasise the equal humanity, and the equal moral and spiritual worth of men and women. However, in contrast to the ideals of total equality in all spheres, conservative Islamic discourse and jurisprudence stress the fundamentally different roles of the sexes.

The issue of gender relations and women's role in society has had a long history within Islamic countries. However, if one takes the minimalist definition of feminism to mean an "awareness of women's oppression and exploitation at work, in the home and in society as well as to the conscious political action taken by women to change this situation" (Moore 1988:10), then feminism developed in Muslim countries only after contact with the West. Western ideas of nationhood (and, in particular, of citizenry involving rights and obligations) and of feminism (in the sense of equal treatment of women and of women as contributory citizens to the wealth of the nation alongside men) both began to be articulated in Arab-Islamic societies at the same time (Ahmed 1986:143). The early campaign for feminist reform in the Arab-Islamic world was largely carried out by male reformers and intellectuals¹. Change was called for under pressure from political and cultural events (such as a nationalistic struggle), rather than from an indigenous movement in its own right. In its development in Muslim countries, within the context of nationalism and the growth of cultural identity, feminism and feminists have had to seek legitimacy with Islam (except in a few exceptional cases such as in Kemal's Turkey and pre-Revolution Iran). While the idea of equal political rights was embraced, Arabicized and Islamicized without much difficulty, feminism began to have opponents as well as proponents. It was attacked as a 'Western' and 'un-Islamic' import whose consequences would lead to the destruction of the fabric of Islamic society (*ibid*). Thus although in the West, there was on the whole a divorce of religion from the feminist struggle, in the

¹ Badran contests the commonly held view that feminism in Egypt began with men. In her work she attempts to demonstrate that feminism in Egypt began with women and that it was indigenously based (Badran 1993)

Islamic context the framework for argumentation and change has remained largely within the field of Islamic legitimacy. The Western Renaissance and the subsequent intellectual and scientific development occurred after the departure from religion and the separation of Church and State (at least at the ideological level).

Today, the constitutions of most Muslim states endow their male and female citizens with equal citizenship and, hence, equal rights before the law. However, often this is sharply contradicted by the enforcement of Personal Status Laws and Codes which have been adapted and interpreted from *Shari'a* laws. These laws are seen by many feminists, social scientists and Western observers as permitting wide discrepancies between the rights of men and women in the spheres of marriage and divorce. Reform to these laws is one of the ongoing battles which feminists in Muslim countries continue to fight. Recently, feminist anthropologists have shown an increasing interest in the roles and lives of women in the Middle-East. This has been in the general context of heightened Western scholarly interest in Islam. However, feminism and anthropology are two disciplines which are intertwined together in a very awkward relationship.

1.2 Feminism and Anthropology: An Awkward Relationship?

In 1970's, feminism turned to anthropology with many questions in its search to explain equality and inequality, and for a theory and a body of information. This was in the context of the major wave of women's rights' thought and activism. Consequently the feminist critique of anthropology grew out of a concern with the neglect of women in that discipline (Moore 1988). The new 'anthropology of women' thus began in the early period by confronting the problem of how women were represented in anthropological writing. Since then, feminist anthropology has moved on from being merely the anthropology of women and being concerned with 'male-domination' to a more sophisticated analysis of gender relations both at the level of symbolic ideas and political and economic situations. Feminist anthropology is not therefore simply about adding women into the discipline, but also concerns confronting the conceptual and analytical inadequacies of disciplinary theory. The deconstruction of 'woman' as a sociological category has been accompanied by the recognition that the experiences and activities of

women always have to be analysed in their socially and historically specific contexts. Feminist anthropology has come to focus on understanding difference by looking at the ways in which gender, race and class intersect, as well as the way in which all three intersect with colonialism, the international division of labour and the rise of the modern state (Moore 1988:9). Anthropology itself has struggled long and hard with the concept of difference; namely, cultural difference. The basis of the comparative project is that cultural difference is not about the peculiarities and oddities of other cultures but rather about cultural uniqueness and, at the same time, the similarities in human cultural life.

There are, however, serious conceptual and theoretical problems within feminism, since the underlying premise of feminist politics is that there is an actual or potential identity between women. The recognition of a universal shared oppression is the basis for 'sexual politics', premised on the notion that women as a social group are dominated by men as a social group. "The major problem feminism faces today is that the concept of 'difference' threatens to deconstruct the 'sameness' of women as a sociological category and thus the whole edifice on which feminist politics is based" (Moore 1988:11). Gender might not be a global identity after all. In fact it might not be a very important identity in comparison with other divisions such as race, culture, religion and class. Foucault is one thinker whose writings especially pose a challenge to feminism and who contributed to the deconstruction of such terms as 'woman' and 'patriarchy' (Ramazanoglu 1993). His work makes feminists think differently about the nature of knowledge and power. Foucault criticises feminism for the limitations and rigidities of its conception of the 'truth' of patriarchy.

Strathern in her critique of feminism and anthropology points out that what is common to both the disciplines is the classic premise of the comparative method in anthropology. This premise that social institutions, roles, *etc.*, can be compared across cultures has its parallel in feminism in the assumption that women everywhere can be asked whether they are dominated by men (Strathern 1988:30). For anthropologists there is a presumption of natural similarity reflected in the ethical stance that all societies are equivalent. The feminist analogue to this is the assumption of equivalence amongst members of one sex wherever they may live. Strathern states, "for men and women the biology that makes

them irreducibly different is regarded as at once determining and being overcome by the varieties of cultural experience that adapt, modify and elaborate as the givens of nature” (*ibid*). ‘Bio-essentialism’ (that there is an essential femaleness or essential maleness in our being that might help explain social differences between women and men) has proved to be a persistent problem for the coherence of feminist thought. Strathern writes that whilst there may be communication between the disciplines of feminism and anthropology, there is nevertheless a very awkward fit between the two (Strathern 1987). She characterises the two disciplines as “neighbours in tension” (*ibid*). Feminist anthropology is neither a system nor a body of knowledge. Strathern goes on to point out that much of the awkwardness of the relationship between feminism and anthropology lies in the structure of their epistemological styles (Strathern 1988:37).

Feminism constitutes itself in relation to the Other - ‘patriarchy’, or the institutions and persons who represent male domination. There can be no shared experiences with the persons who stand for the Other. Anthropology constitutes itself in relation to an Other: the alien society or culture under study (Strathern 1987). However, in contrast to feminism, the Other is not under attack. On the contrary, the effort is to create a relation with the Other. Fieldwork and the resulting ethnography rest on the collaboration between the field-worker and his informant(s). Whilst feminism mocks the anthropological pretension of creating a product that is in some ways jointly authored, anthropology mocks the pretension that feminists can ever really achieve that separation from an antithetical Other. Since the pluralism of anthropology allows a diversity of entries into the representation of human societies, feminism is thus admitted as one such entry. Since feminist scholarship is polyphonic, it admits anthropology as ‘another voice’ (Strathern 1988:38). It appears, therefore, that anthropology and feminism are quite different and that there is no real fit between the two. The communication of cultures - much talked about in feminism in the metaphor of black, white and brown ‘voices’ engaging in dialogue - is a contrivance, according to Strathern. Both feminist and anthropologist perspectives are located in Western culture and its obsession with the relation between individual and society. The concept of ‘society’ occupies a very problematic place in feminist enquiry. It has either a taken-for-granted position as a system beyond the interests of feminist enquiry, or is assaulted as the locus of male ideology. However, society is not constructed independently from gender and cannot be comprehended in a context external from it

(Strathern 1988:32). Gender relations are neither more nor less autonomous than all social relations.

While feminists argue that the achievement of sexual equality is a universal human aspiration, others echoing the cultural relativist stand-point argue that the notion of sexual equality is simply a product of the history of one particular civilisation. The principal issue really is whether sexual equality is a clearly defined and well-understood concept, or is actually subject to many varied and sometimes contradictory interpretations. Despite efforts to combat ethnocentrism and cultural bias, it is clear that it is in fact Western discourse alone - albeit a purified one - which defines what is anthropology and what is not anthropology, what is ethnocentric and what is not so (Moore 1988:190). Anthropologists argue that the discipline of anthropology is in a position to provide a critique of feminism based on the deconstruction of the category 'woman'. It is also able to provide cross-cultural data that demonstrate the Western bias in much mainstream feminist theorising. Moore writes that, "feminist anthropology is one social science discipline which is actually able to demonstrate from a strongly comparative perspective that what it is to be a woman is culturally and historically variable and that gender itself is a social construction which always requires specification within any given context" (Moore 1988:192). The deconstruction of the term 'patriarchy' does not mean that women are not oppressed by patriarchal structures but that the structures have to be specified in each instance and not simply assumed².

1.3 Anthropology of Gender in Muslim Societies

The *Shari'a* has promoted a great deal of uniformity throughout the Islamic world. Thus, since gender relationships are rather strictly formalised in the religious scriptures and since men and women are not equal under the common orthodox interpretations of these religious and legal doctrines, women have been seen in most of the scholarly literature as enduring a universal and uniform state of subjugation. The mistaken association by social

² Patriarchy has recently become a very problematic concept in feminist anthropology. Feminists have in the past used it rather loosely to mean almost any form or instance of male dominance. See Kandiyoti 1988.

science researchers of female circumcision with Islam further stereotyped Middle-Eastern women and inextricably linked Islam with issues of sexuality and subordination. Even in the 1990's there is still a significant body of literature that assumes *a priori* the existence of a universal Islam that mysteriously moulds behaviour from above. The emerging literature on Muslims, however, attempts to take into account the widely varying historical and social conditions of women in these societies. It argues that there is no universal Islam nor a universal patriarchy which is associated with it. This new literature aids the task of recognising diversity, variability and historical and political dynamics.

Social scientists have shown that a complex interaction of socio-economic and political factors and cultural-religious ideas determine gender relations and women's position in society. The overemphasis on Islam as a cultural determinant on Muslim women's behaviour and status is a special problem in the anthropological literature³. Islam has been seen as the sole determinant of women's social, economic and political participation in society. Hijab has argued that one cannot blame the low participation of women in work in Arab countries purely on Islam or the Arab-Islamic heritage (Hijab 1988). Economic factors often affect the integration of women into development. Hijab argues that the three conditions - need, opportunity and ability - must be met before women can be integrated into the wage labour force. She goes on to point out that cultural attitudes, including Islamically-inspired ones, change remarkably quickly when the need and opportunity arise. Indeed religion is frequently drawn on to justify new attitudes that may be radically different from previous ones (*ibid*). Gender in Muslim societies can neither be read off solely from Islamic ideology and practice, nor entirely derived from global processes of socio-economic transformation nor from the universalist premise of feminist theory (El-Solh 1994). However, while the actual circumstances of Muslim women varies widely and are effected by socio-economic and political factors, Islam continues to be an important reference point and framework for social and political debate in Muslim countries - more so in the present environment of increasing Islamisation. The question of women's role in society continues on the basis of the holy scriptures; the Qur'an and

³ Many anthropologists have recently remarked on the over-emphasis on Islam as a cultural determinant. They include Kandiyoti 1991, Moghadam 1993, Afshar 1993.

*Hadith*⁴. Therefore it is highly meaningful to consider the discourses on gender based on Islam or differing interpretations of Islam.

Since social scientists have generally seen religion to be conservative and misogynistic, it was accepted that religion and religious change would rarely prove emancipatory for women. The inappropriateness of the Western feminist ideology of emancipation which sees religion as necessarily conservative and patriarchal becomes only too apparent when we consider the complex relations between religion, and the state in the contemporary world. The role of women in the Iranian 'Islamic' revolution of 1979 challenges a number of Western feminist assumptions about what constitutes emancipation and equality for women. It has been argued that in some ways participation in the Islamic revolution expanded the role of the Islamic woman and improved her position in society far more effectively than the legal reforms of the Shah (Afshar 1993, Mir-Hosseini 1995). Women continue to be active members within the general Islamic revival.

However, according to the popular media social science depiction, states in which Islamist groups have recently seized power and re-instituted Islamic laws have thus far invariably enacted laws imposing severe 'new restrictions on women'. The Iranian revolution of 1979 is taken as a special example of the misogynistic policies of an 'Islamic' State. It has been emphasised that although women were involved in large numbers in the populist uprising against the Shah, consequently many of these women who had striven for social equality actually found themselves worse off (Tabari 1982, Azari 1983). Measures were adopted by the Iranian regime that would eventually lead to the seclusion of women from social, political and economic activity. In Pakistan the vilification of women is said to have increased in direct proportion to the spouting of self-righteous declarations of a new Islamic order (Mumtaz 1987). Television programmes, for example, increasingly depicted women as "the root and cause of corruption".

Whilst acknowledging the patriarchal bias in the practice of the major world religions and the many inequalities inherent in the widely accepted teachings and interpretations of 'traditional', 'establishment' Islam many women in Muslim countries nevertheless believe

⁴ Generally translated as the sayings or actions of the Prophet Muhammad or those which have been attributed to him. See Section 3.4 *post.* for explanation of compilation of the *Hadith*.

that the way forward for women within an Islamic context will be by the reform of the *Shari'ah* (the corpus of Islamic law) in its present state, and by drawing on the voice of egalitarianism inherent in the Qu'ran itself. Indeed, numerous Verses of the Qu'ran preach of equality between the sexes as well as social equity and harmony. Writers have stressed the relatively egalitarian gender relations in Arabia at the emergence of Islam and the subsequent later development of more restrictive interpretations of the scriptures⁵. There are obvious problems in working from within an Islamic framework and trying to assimilate secular Western liberal principles into Islam. However, can women reconcile Islam and feminism by drawing on the egalitarian strands within the religion to formulate an 'Islamic feminism'? Recent feminist work has pointed out that if Muslim women were silent a few decades ago, now they most definitely are not. Women's rights protagonists are active in the cities of all Muslim countries (Moghadam 1994). At present there are many women writers in Islamic countries calling for the reinterpretation of the *Shari'ah*. Many argue that female Muslim activists will initiate women's emancipation. A number of Muslim-born women writers insist that their interpretation of women's rights clashes strongly with the conservative official interpretation.

My principle objective is to identify and explore the modern discourses on women and gender in Muslim societies and at a global level. I propose more specifically, to examine the development of feminism within an Islamic framework. My emphasis on the global nature of Islamism and women's responses to it is aimed at finding commonalities over space. I consider it important to see the culture-bearers' views and conceptualisation of their universe as they live and see it. Many important questions remain to be investigated: what exactly is the 'Islamist' model of the ideal Muslim woman? What are women's responses to the model of the ideal "Muslim woman" promoted by the Islamists? How much reality is there in the supposition that women are leading the war against 'fundamentalism'? Is there an Islamic feminism?

⁵ A growing majority of writers have commented on the relative gender-egalitarianism of early Islam as compared to later restrictive interpretations. Al-Hibri 1982, Hussain 1984, Stowasser 1987, Ahmed 1992, Memissi 1992.

2

Islam and Modernity

Most conservative Muslims believe that Islam provides a concise and clear blueprint for individual and social life. Anthropological studies, however, stress that Islam varies widely in the way it is practised by different racial, linguistic and ethnic communities as well as by different socio-economic classes. They thus emphasise that there are many different forms of Islam. Apart from the divisions and schism between the different schools of thought and *Shari'ah* Law, divergence is also caused by the different ways in which Islam has interacted with varying systems of kinship and social organisation, political and economic structures as well as indigenous belief systems. Therefore a diversity of forms, institutions and organisations is encompassed by that seemingly singular ascription Islam.

Despite these varying interpretations some anthropologists argue that Islam, in contrast to other world religions, provides a unified core. This is caused by the firm regulation of everyday life and a common set of repertoire and symbols which all Muslims can draw upon (Gellner 1981). Life is firmly regulated by a set of ritual obligations seen as compulsory by all the sects and schools of thought. Islam centres on five principle ritual activities or beliefs. They are faith or belief in the oneness of God, the daily five prayers, fasting in the Islamic calendar month of *Ramadan*, *zakat* or almsgiving for the poor), and *Hajj* or the Pilgrimage to Mecca. The performance of congregational prayer enforces solidarity amongst Muslims in a Durkheimian sense at the local level. A Muslim calendar marked by ritual events such as Ramadan, and the *Hajj* (which is televised world-wide) enforce unity and the idea of the *Umma* (a global Muslim community). This 'imagined' religious community of the *Umma* has been resurrected with vigour in the past two decades with the increasing globalisation of Islamic revival.

According to Gellner, Islam is the religion that best disproves the secularisation thesis (Gellner 1994:xi). This theory, which was common in social science, postulates that in industrial and industrialising societies the influence of religion diminishes: either science undermines faith, or the erosion of social units deprives religion of its organisational base, or doctrinally centralised rationalised religion cuts its own throat. Gellner argues that from the great literate religious civilisations which were in existence at the end of the middle ages Islam alone seems to have survived and grown as a serious faith in the modern world (*ibid*). Islam's resilience is partly explained by its close regulation of daily personal and social life and its especial suitability to modernity.

From his work among nomads in Morocco, Gellner sees two types of opposed religiosity in Islam (Gellner 1981). This model, demarcates an egalitarian, doctrinal, scripturalist, anti-ritualistic, sober and sedate religion of the urban educated people which is opposed to the 'heretical' and 'superstitious' ritualistic cults involving mediation practised by the illiterate desert Bedouin (and rural peoples world-wide)⁶. The 'High' form has remained normative even if not implemented. Throughout Muslim history periods of purificatory and reformatory zeal occurred (*ibid*). With the onset of modernity, the spread of literacy, education and the increased centralisation achieved by the nation state the pendulum has swung irrevocably towards orthodox and scripturalist Islam in line with the general trend towards the 'rationalisation' and 'democratisation' of religion (Gellner 1981:56). With the impact of modernisation and Westernisation Muslims could turn to a genuinely local High Tradition which in many places was not identified with the old political regime to be compromised by its failure. The special affinity of the 'High' variant of Islam to modernity lies in its criteria of universalism, scripturalism and spiritual egalitarianism as well as the rational systemisation of social life (Gellner 1994:xii). Gellner argues that many features such as individualism, a rule ethic and a low loading of magic make it compatible with the requirements of modern life. Following on from Gellner's argument, while there is a counter-response to increasing 'Islamisation' observed in the growing participation in some ritualistic cults (for example the Zar/Bori possession cult of North Africa), on the whole underlying fundamentalist movements and Islamic revival in general is a shift to a literate, rationalist, codified shared culture.

⁶ The model is based on the Great Tradition/Little Tradition distinction in the anthropological study of religion.

Islamic symbols and language have been especially important in the context of nationalism and opposition to colonial domination. What separates the pre-modern from the modern era is the arrival on the world stage of the political fabrication known as the nation-state which as Anderson (1983) and Gellner (1983) have shown, effectively imposed upon the communities of the world a set of administrative modules obsessed with the creation of cultural and linguistic homogeneity by means of bureaucratic efficiency and control of critical, social and educational institutions. 'Nationalism' became a convenient rallying call for state cohesion and mobilisation and the scripturalist version of Islam was often presented as a nationalist ideology, defining all Muslims in a given territory as a nation. There are two outstanding models of modernisation by Muslim states - against religion and within it. The first is secularism (as typified by Kemalist-reform in Turkey and the policies adopted by the Shah in Iran) and the second is Muslim reformism. Where religion was closely tied to the old order the reform has been mostly anti-religious. However, the majority of Muslim countries, including Egypt, have followed the latter path and religious revival and social reform has usually overlapped with nationalism.

Although I am primarily concerned with global trends, I have chosen two countries in particular to bring my study into focus. These are Egypt and Iran. These two countries provide well documented examples of increasing Islamisation of society. As such I consider them to be appropriate case studies of how the Islamic revival is influencing the role of feminism and perceptions of gender. As many scholars have noted there is compelling justification, culturally and intellectually, for regarding Egypt as a mirror of the Arab world in the modern age (Leila Ahmed 1992:6). Egypt was the first Middle-Eastern Arab country to experience the consequences of European commercial expansion and to experiment socially, intellectually, politically and culturally with a range of ideas that have proved to be of enduring significance in the modern era, not only for Egypt but also for Arab societies as a whole. It is common to identify Islam with Saudi Arabia and the Middle-East. Few realise that large masses of Muslims dwell in the non-Arab world. In looking at Iran I wish to draw the discussion away from purely focusing on Arab-Islamic societies and attempt to highlight the issues relevant to Islam in the non-Arab context. Iran is important as a vivid example of the political utilisation of Islam. It provides an interesting contrast to Egypt in being predominantly Shi'a. Unlike Egypt where Islamism is largely in opposition to the state, Iran at present, manifests state-sponsored 'fundamentalism'.

2.1 Colonialism and Feminism

In the 1800's the colonial powers took over the Middle-East. By means of coercive imperial domination, the integration of the Muslim world into the capitalist system was initiated. Complex and ambiguous Western ideas such as equality, freedom, human rights and social and economic progress entered the Muslim world even as they encountered the reality of material and moral exploitation under colonialist policies. These ideas originated in secular trends that grew in the West and confronted Christianity. Secularism was closely bound to the idea of a social contract - an important function of which was to present society not as a natural or divinely ordained phenomenon, but as an artefact of human will. Jayawardena links the emergence of feminist movements in the Third World to anti-imperialist and nationalist struggles, a general move towards secularism, a new concern with social reform and modernity, and the ascendance of an 'enlightened' indigenous middle-class (Jayawardena 1986). Towards the end of the 19th Century and the beginning of the Twentieth, reformers of women's condition in the Muslim world emerged from the ranks of an educated, nationalist male elite. Their concern with women's rights centred around issues of education, seclusion, veiling and polygny. This coincided with a broader agenda about 'progress' and the compatibility of Islam and modernity.

In their encounter with the West and modernity, Muslim reformers undertook an intellectual effort to interpret Islam in a modern way and come to terms with Western capitalist culture. However, the *Ulema* (the learned scholars or jurists) and the lower classes remained nervous about modernity and believed in the self-sufficiency of Islam. Reformers such as al-Afghani (1838-1897) argued that Islam was rational and compatible with modern life. Afghani's student, 'Abduh (1849-1905), was one of the most influential thinkers on the matter of reform with respect to women. 'Abduh argued that the regulations affecting women in areas such as polygamy and divorce, like other 'backward' and 'degraded' customs, had led the Islamic nations into a deplorable state of ignorance (Adams 1933:13). Much of the Orientalist discourse was reiterated by these thinkers, who sought to reform 'misogynistic' practices of the harem, seclusion, veiling and polygamy. Islamic reform was a response, often an apologia, in the face of an external military and cultural threat. The Victorian paternalistic establishment appropriated the language of feminism in its assault on the religions and cultures of *Other* men (L.Ahmed1992:151).

Many of the elite nationalist reformers were educated in the West and were influenced by Western concepts of modern nationalism. Their orientation therefore was partially secular in that they felt religion should be restricted to the private family domain. However, they found in Islam an effective force for the unification of the people towards a nationalistic struggle. However, whether in the hands of patriarchal men or feminists, the ideas of Western feminism essentially functioned to morally justify the attack on native societies and support the notion of the comprehensive superiority of the West. This provided the rationale on which the French-educated lawyer Qassim Amin in 1899 to call for a change in the position of women and the abolishing of the veil. Amin argued that to make Muslim society abandon its backward ways and follow the Western path to success and civilisation required changing women (Petersen 1992)⁷. Amin reiterated Victorian ideals in his arguments that women had to be educated so that they could become good mothers and housewives. He painted a rosy picture of Western women as those who enjoyed full rights and complete equality. Although Amin abandoned the very framework of Islam and attacked it⁸, however, not all modernists and reformers argued for whole-sale, sweeping modernisation and the adoption of Western cultural practices. Many simply called for a more cautious and selective borrowing from the West and a more religiously-based reform.

Similar to Egypt, in Iran at the turn of the 20th Century the politics of women's liberation was closely allied with the politics of secularisation. The Shi'a clergy through their monopoly in interpreting Islam were responsible for defining the proper place and behaviour of women. However, since the hierarchy of sexual relations was primarily, though not exclusively, supported by the clerical establishment and a formal structure of religious traditions, in order to achieve a modicum of freedom and equality modernist leaders found it axiomatic that religion be completely separated from the government. The Shi'a clergy was vehemently opposed to the modern changes in the conditions of women's lives, which undermined their authority and power.

⁷ *The Liberation of Women: A Document in the History of Egyptian Feminism*. Translated by Samiha Sidhom Petersen; Cairo: American University in Cairo Press 1992.

⁸ Haddad has pointed out that the Westernisation which Amin advocated was not as comprehensive as may appear at first glance. He sought to have women uncover their faces, not to take off the veil, he asked that women be consulted about their marriage partners but did not make them responsible for finding a husband, he called for restriction in the practice on polygamy but allowed it under special circumstances (Haddad 1985:281).

Not all protagonists of women's rights, however, wanted a total separation of religion and state. 'Abduh, unlike other mainly secular intellectuals, had a thorough grounding in religious thought and could knowledgeably argue the case for reform and modernisation in terms that represented it as being in harmony, rather than in conflict, with 'true' Islam. Following 'Abduh and his student Rashid Rida, a trend emerged which though not very influential at that time grew in influence by the latter part of this Century. These thinkers were more religiously orientated and deplored the typically upper-class facile unthinking imitation of Western ways in dress, furniture, architecture and the consumption of expensive luxuries; instead of the pursuit of a genuine transfer of knowledge and real social reform.

Education for women was one of the top-most priorities of early modernist reformers in the Middle-East. Whilst there appears to have been little opposition to the education of women *per se* by conservative religious scholars, the content of that education was much debated. Conservative Muslims insisted that women's education should be restricted to the study of religion, reading, writing, geography, history and mathematics. Some deemed that women's study of foreign languages was a waste of time; others warned that any changes instituted would only give pleasure to those foreigners, mostly Christians, who sought to destroy Islam by changing its tenets (Haddad 1985:283). The first girls' schools were established in Egypt in the 1870's. By the 1890's the call for more education for women and for reforms affecting their status was clearly audible. Women began presenting their case in newspapers and magazines for women. Like men before them, these women were also occupied with issues of education, veiling and the harem.

Accompanying these early stirrings of feminist consciousness, actual change towards an acceptance of Western styles and ways was in progress. Women started becoming active professionals, teachers and medical practitioners. During the early decades of the 20th Century feminism became intellectually visible, and this was then followed by an organisational and political movement in Muslim countries including both Egypt and Iran. The founding feminist discourses emerged in those decades as did the articulation of the first complex and incisive feminist analysis. Within this feminist discourse there were critical tensions that reflected the wider intellectual debates between modernist reform and the native vernacular Islamic discourse (L. Ahmed 1992:174). Although there was a voice of

feminism that argued more in Islamist terms, the dominant strain of feminism in Egypt and Iran for most of the Century was the one which discreetly affiliated itself with the Westernising and secularising tendencies of the upper and upper-middle-classes. The organisational and political success of Huda Sha'arawi (1879-1947) and her Egyptian Feminist Union were perhaps important in the emergence of the Westernising voice of feminism as the prevailing uncontested voice of feminism in those early years (Ahmed 1992:175).

Similar to Egypt, in Iran a number of women leaders emerged and women's groups and associations were established in the early half of this Century. They included among them the Iran Women's Council and the New Path Society (Afkhami 1994:11). As in Egypt these women's groups were active and concentrated largely on education and charity work. Sha'arawi's feminist organisation made significant gains for women, especially in the field of education and her work produced a general rise in feminist consciousness. Many prominent women, such as Mai Ziyada and Doria Shafik, subsequently followed in her footsteps. Sha'arawi's feminism whilst politically nationalistic was also informed by a Western affiliation and a Westernising outlook (L.Ahmed1992:178). In contrast Malak Hifni Nassef, who was regarded as a major intellectual, articulated the basis of a feminism that did not automatically affiliate itself with Westernisation. Nassef was opposed to unveiling and believed that the indiscriminate adoption of Western ways without reference to their suitability to a particular environment was unwise. Both Nassef and Sha'arawi advocated that society should enable women to pursue education and that fundamental reforms governing marriage were of immediate necessity. Although there were no substantive differences in their goals, Nassef was committed to seeking female autonomy in terms which were internal to the indigenous culture. Following Nassef's line, a more indigenous 'Islamic feminism' was articulated by Zeinab al-Ghazali (b.1918) the Islamist founder of the Muslim Women's Association.

It is true that reform introduced by upper and middle-class political leaders who had accepted and internalised the Western discourse did indeed lead to legal reforms benefiting women in certain countries; and, specifically, in Turkey. However, both in Egypt and Iran these reforms primarily benefited women of the urban bourgeoisie alone and had little impact beyond this class. Thus whilst upper-class women became actively engaged in

professions, social services and charity, however, rural and lower-class women were negatively effected by the encounter with modernity and integration into the capitalist world system (Abu Shehab 1993:108). Aside from the global level, economic and political factors at the state level also affected women. As Kandiyoti has pointed out, the post-independence trajectories of modern states and variations in the deployment of Islam in relation to different nationalist ideologies and oppositional social movements are of central relevance to an understanding of the condition of women (Kandiyoti 1991, Badran 1995).

The quasi-secular and secular states which emerged from colonial domination attempted to implement ambitious projects of rapid Western inspired modernisation and secularisation of traditional institutions. Modern Iran emerged from the declining rule of the Qajar dynasty. During the 18th and 19th Centuries the Shi'a *Ulema* or clergy gained great influence and power at the cost of the weak government of the Qajar dynasty (Fischer 1980). The intervention of the Russians and the British disrupted the delicate balance between state and religion. Iran was not made into a formal colony; unlike most of the Muslim world which came under direct colonial domination. However, in Iran there was much *Ulema*-lead agitation against the European presence, as well as against modernisation and the growing interventionist state.

Reza Shah Pahlavi's nationalist-statist programme (1926-1941) had much similarity to the secular Kemalist project in Turkey. In Turkey, the secularisation of the family code and the enfranchisement of women were parts of a broader struggle to liquidate the theocratic institutions of the Ottoman state and create a new legitimising state ideology. However, in Iran the project fell short of radically transforming the organisation and structure of the Shi'a clergy, which was very different to that of Ottoman Sunnism. The Iranian clergy retained its organisational and financial autonomy in Iran and this had profound consequences for the future (Paidar 1995). As in Egypt, under the Pahlavi's secular-oriented modernising policies many advances were made by and for women in Iran. Women's participation was expanded in the social, economic and educational life of the country. There was a growing rate of literacy and an increased prominence of women in higher education and the professions. The integration of women into political life was evidenced by the granting of female suffrage by the Shah in 1963, the election of women to the *Majlis* (parliament) and the Senate, and the appointment of women as judges. Left-

wing opposition to the state pointed out the limited nature of these reforms and the continued legal, economic and social inequalities of women under the Pahlavis. They argued that these reforms were more cosmetic than substantive and that except possibly in the case of a small minority of upper-class women, the overall changes under the Pahlavis actually intensified women's oppression in Iran. The secular left-wing critics shared with the Islamic critics a deep concern over women's 'moral corruption' and the 'commoditisation' of women's sexuality in the Shah's Iran. The Islamic critics of the old regime considered most of the changes under the Pahlavis as being completely undesirable and, indeed, responsible for the moral corruption and sub-ordination of Iranian society to neo-colonialist powers (Azari 1983).

As I have suggested earlier, in many Muslim countries Western impact and rule whilst on the whole advantageous to the upper-classes and the new middle-classes, was in fact harmful to the traditional or bazaar petty bourgeoisie. In Iran, state policies disrupted the rural economy, peasants were dispossessed of land and a vicious cycle of poverty ensued. Thus the traditional and lower classes turned against Western liberal ideology because it was associated with Western oppression. For these classes feminism was a foreign Western import. It was part of a conspiracy to weaken and destroy the fabric of Muslim society by weakening family bonds. The State undertook the project of feminism in many of its policies. It sought to emphasise the democratisation of education for the 'emancipation' of women. However, in Iran it was often involved in coercive action as well, such as the forcible unveiling of women in 1936, in order to root out backward traditions. Official Islam adopted by the State was largely a continuation of modernist, reformist Islam. The State provided religious justification for women's work, public mixing of the sexes, education and family planning. Meanwhile both in Iran prior to the Revolution and in present day Egypt the 'stubborn,' 'traditional' masses developed an Islamic discourse which was anti-state, anti-West, anti-capitalist and anti-consumerist. This discourse defended everything which the state wanted to change. The role of women as primarily wives and mothers came to be considered a sacred part of religion.

There is an important connection between women, family life and the continuity of Islam in general (Abu Shehab 1993:186). The traditional interpretations of Islamic Law were seen by the modernist reformers as an obstacle to modernisation. Whilst there was secular

influenced reform in many areas of the law, laws concerning women, marriage and the family remained largely untouched in many Muslim countries because governments were concerned not to clash too forcefully with the people. In Kemal's Turkey, however, there was **radical** change as women were given equal inheritance rights, property rights, equal rights in divorce and child custody. Tunisia under Bourgiba was the only Muslim state that formally outlawed polygyny and where Personal Status codes substantively reformed *Shari'ah*. In Egypt in the 1950's and other socialist Arab states, such as Algeria and Syria, with the adoption of anti-capitalist ideologies the 'bourgeois, individualistic, consumerist Western model' for women's liberation was rejected. Feminist movements lost their independence and were absorbed into government bureaucracy. The state supported projects for women's education, literacy and health campaigns. However, the leaders refused to see women's issues as separate and important in their own right but instead considered it to be part of the general reform of society. Therefore the socialist regimes focused attention on the role of women and their intellectual, social, political and economic development. Although most of the political and economic institutions were secularised by the state, *Shari'ah* laws continued to control women's lives in the spheres of marriage and family. Nevertheless, legislation was enacted which to an extent altered the *Shari'ah* laws that governed women's lives in areas such as polygamy and divorce (see Sections 4.5 and 4.6).

The past few decades have seen a revival of a voice of feminism in Muslim communities which had barely heard previously. This alternative voice falls within the anti-state, anti-consumerist Islamic discourse of the popular masses. This discourse which was present earlier this Century, was wary of Western ways and attempted to articulate female subjectivity and affirmation within an Islamic discourse and in terms of a general socio-cultural and religious renovation.

2.2 Islamic Neo-Revivalism or 'Fundamentalism'

The last two decades in particular have seen a dramatic world-wide renewal of religion and a questioning of secularism. This has seriously challenged social science theories of the increasing secularisation of life in the modern world. The philosophers of the Enlightenment believed that the realm of the sacred would finally break away from politics; and that the influence of religion would become restricted to the private sphere of the family, having only an

indirect influence on the way in which society was organised. Throughout the 1960's the link between religion and civic order seemed to grow increasingly tenuous. From the 1970's onwards, however, this process went into reverse. In all of the major faiths a new religious approach took shape which no longer aimed at adapting to secular values, but concentrated on recovering the sacred foundation for the organisation of society by changing society if necessary (Kepel 1994). This approach advocated moving on from the Enlightenment, rationalism and modernism that had failed, attributing its setbacks to the separation from God. The new phase of Islamic revival has its roots both within and against the discourse of the modernists who tried to harmonise Islam with modernity and the West. Revival is seen by its advocates as a crucial means of infusing life into a community that is weighed down by centuries-old traditions. The new Islamists or 'fundamentalists' criticise both the secular and Islamic modernists for an excessive reliance on the West. Modernists, in their zeal to demonstrate the compatibility of Islam with modernity, are seen as having employed Western criteria and values and thereby produced a Westernised Islam. These neo-revivalists are more sweeping in their condemnation of the West and their assertion of the total self-sufficiency of Islam. The aim today is no longer to 'modernise Islam' but to 'Islamise modernity'(Kepel 1994:2).

I do not propose to refer to Islamic neo-revivalism by its common phrase '**Islamic fundamentalism**'. In my view the latter phrase is rooted in non-Muslim origins (in 20th Century Protestant Christianity in particular) and has derogatory Orientalist and negative tones associated with it. It implies a narrow secular European conception of religion as being simply blind fanaticism, irrational and superstitious. Instead, I propose to use the term '**Islamism**' to refer to the recent very diverse phenomenon of Islamist activism. Islamists hold Islam to be a world-view and a total ideology for action and Islam is seen as the 'natural religion'. The regulations and commandments of the Qur'an and the *Sunnah* are the law and provide the guidelines for everyday life. An Islamist attempts to propagate and purify Islam. Furthermore he or she is actively involved in organisations which attempt to transform society along Islamic lines.

Anthropological explanations of Islamist phenomena stress that these movements have emerged within a particular socio-economic and political crisis in developing countries⁹. On the whole

⁹Fischer 1980, Moghadam 1993, Moghadam 1994

these countries have suffered from the particularly harsh experience of modernity and Westernisation, and these have left upon them a quest for authenticity and identity. Modernity brought Western governments, institutions, laws, education and cultural values firstly through the direct or indirect rule of European colonialism and, subsequently, through the power and intervention of the super-powers (the United States and the Soviet Union). Muslim communities suffer from the uneven distribution of socio-economic advantage within the societies and at the global level. In the Middle-East there is a decline in support for existing state systems widely viewed as authoritarian, corrupt or ineffectual (Moghadam 1994:10). Politically these countries are characterised by 'neo-patriarchal' state systems that have silenced left-wing and liberal institutions while fostering religious institutions in their search for legitimacy (*ibid*). Political protest is therefore couched in religious terms and for many Muslims the Islamic movements offer a new form of reassurance, collective solidarity and support.

Despite the emergence of neo-revivalist groups, the post World War II period was dominated by the establishment of modern Muslim states. In general the new nation-states and their political leaders continued to be heavily influenced by the West in the development of national ideology and state institutions (parliamentary systems of government, legal codes, education). With a few exceptions, nationalist leaders were more secular than religious in orientation. On the global scene the United States and the Soviet Union emerged as super powers and Western capitalism, Marxism and socialism were contending forces in political development. Following independence and de-colonisation many Muslim states experimented with socialism. It was perceived that an ideology fusing socialist ideals with Islamic values would help mobilise the masses for development. Whilst these thoughts became very prominent during the Nasser regime in Egypt, parallel developments took place in Pakistan under Bhutto and in Iran under Mosadegh. Under Nasser (1956-1973) issues of renewal, imitation and authenticity, as well as the reliability of what was advocated as genuine sources of socialist teachings within Islam, became central in the struggle between the Egyptian government and its opposition. The Islamist opposition, however, argued that Islam is unique in its conception of reality and should not be distorted to conform to modern ideologies, constructs and stereotypes (Haddad 1991:5). The Islamist revival attempts to affirm Islamic discourse in a way that does not seek to have its basis in Western forms of modern ideas.

The beginnings of the neo-revivalist or Islamist movement can be traced to two important organisations that sprang up thousand of miles apart during the 1930's and 1940's (Esposito 1991:38). These organisations were the *Muslim Brotherhood* in Egypt and the *Jamaat-i-Islami* in the Indian subcontinent. The founders and ideologues of the Brotherhood (Hassan al-Banna, 1906-49) and the Jamaat (Maulana Abu al-A'la al-Mawdudi, 1903-79) had a profound effect not only on their own societies but also on Muslim activists across the Islamic world. Both these organisations sought to counter the presence and influence of Westernisation and secularisation by advocating a process of renewal and reform. Their goal was not the creation of a secular society nor a process of modern Islamic reform, but a more indigenously rooted authentic recreation of an Islamic state and society.

It should be stressed that socio-economic and political explanations of Islamist revival do not suffice in themselves. The revivalist movement is largely a cultural phenomenon that has roots in the constant renewal and purification which is a part of the history of Islam in particular and of religion in general. Concepts have been taken from the Islamic heritage and applied today while other concepts have been reworked to give new and novel meanings. *Tajdid* (renewal) is an old Islamic concept which has been given new life in the modern context and now acts as an important legitimising concept in the struggle against existing conditions (Voll 1991:24). Sayyid Qutb of the Brotherhood developed a modern radical interpretation of the concept of *takfir*. *Takfir* essentially means the identifying of a person, group or institution as being 'unbelieving' or *kafir* (Voll 1991:25). However, the new interpretation made it possible to identify professing Muslims as *Kafir*/unbelievers if they did not strictly abide by Islamic principles as defined by Qutb and his followers. Qutb set the tone for the militants who accepted the obligation to condemn the existing society and leaders as 'infidels'¹⁰.

Another important theme of the Islamist movement is *jihad*, usually translated as meaning a military 'holy war'. It is, in fact, much broader than this and encompasses the whole range of special efforts to adhere to, affirm and support the message of Allah. The principle has been consistently applied in a number of contexts over the centuries and was an important mobilising concept for the early Muslim resistance to European forces. Today *jihad* has become a vital motivating force for Islamist activists. The more militant position is reflected by Qutb's

¹⁰ Late in the 1970's the *Jihad* group - a radical breakaway sect of the Brotherhood - argued that the Egyptian president Anwar Sadat was not Islamic enough. Based on the rationale that "rulers of this age are in apostasy from Islam", they assassinated Sadat.

criticism of 'defeatist' people who want to confine *jihad* to what is today called 'defensive war'. Mawdudi stated that to stake one's life, spend of one's wealth and to strive to establish the kingdom of God on Earth was *jihad*. He argued that "... exerting oneself to the utmost to disseminate the word of God to make it supreme and to remove all impediments to Islam through tongue or pen or sword" (Mawdudi 1986:58). Modern Islamist literature calls for *jihad* as being a struggle against the hostile forces encircling the Muslims. However, there is a general condemnation of violence and an advocacy of measured struggle by the majority of authors in the mainstream of the Islamic movement. Whilst the context of the discussion about *jihad* has changed, the basic themes and issues reflect significant continuities in Sunni and Shi'a Islam over the centuries

A concept which has undergone a considerable transformation and has emerged to give current movements a distinctive intellectual and action framework is the concept of *Jahiliyya*. The dictionary definition of this Arabic term means 'ignorance'. In traditional Islamic usage, the *Jahiliyya* referred to the age of ignorance before the revelation of the Qur'an to the Prophet Muhammad. However, Mawdudi began to use this term to refer to forces that corrupted historic Muslim societies and saw *Jahiliyyah* as a type of counter-revolution which came to dominate Muslim societies (Voll 1991:27). From the 1970's onwards the identification of forces opposed to Islam as the true *Jahiliyyah* became an important part of activist Muslim rhetoric, particularly in Egypt. Islamist writers today point to the 'promiscuity' and 'corruption' in Western society and Western practices which pervade the Muslim world as the modern *Jahiliyyah* (Abu Shehab 1993).

The West and especially the United States is seen by Islamists as bankrupt in terms of morality and social values (Haddad 1991, Abu Shehab 1993). The West, therefore is no longer a model to be emulated. Muslims see rising crime rates, race riots, substance abuse, AIDS, pornography, the breakdown of the family, social and economic inequity, and many other ills as plaguing the very structure of Western life. These problems are seen as spreading in the modern *Jahiliyya* in Muslim societies due to the blind imitation of the West and the decreasing role of religion in private and public life. Islamists are struggling against the global hegemony of Western culture. The strong intrusion of Western culture is present, obvious and overbearing in movies, television, news, the media, clothing styles and many other aspects of contemporary Muslim society. Consequently, revivalism has proven to be the strongest in

more Westernised states such as Egypt and Iran. The Western feminist movement is blamed for increasing divorce rates and family breakdown, both of which contribute to moral degeneration, crime and violence. The immodesty and immorality of modern women (seen in their public visibility and adoption of Western fashions) is stressed by Islamists, such as Mawdudi, as a particularly crucial problem to be addressed in the transformation of society to a righteous and just moral Order. Islamism as a political defence of Islam against the West shares many tenets with Orientalism in its essentialist and ahistorical approach.

A distinction can be made within Islamist movements between movements which seek to maintain or legitimise political power and those which seek to acquire political power. Most of the strong and active movements, including the Brotherhood and the *Jamaat*, fall in the latter category and can be described as populist by virtue of their social base. Despite repression by governments at various points in their histories, the *Jamaat* and the Brotherhood continue to grow and flourish. The influence of these two organisations extends far beyond their national homelands and has achieved trans-national, global significance: the Brotherhood inspired the establishment of similar organisations in the Sudan, Syria, Jordan, the Gulf and Africa; the *Jamaat* developed sister organisations in India, Bangladesh and Afghanistan. The writings of the chief ideologues of these movements, Mawdudi, al-Banna and Qutb, continue to be widely translated and disseminated throughout the Islamic world.

The resurgence of Islam in Muslim politics reflects the growing religious revival in personal and public life. There is an increase in Islamically oriented governments, organisations, laws, banks, educational institutions, and social welfare services (Haddad 1991:15). Both governments and opposition movements have turned to Islam to enhance their authority and muster support. Many Middle-Eastern and South-Asian Muslim countries originally founded as secular states have had this base eroded by the Islamist campaign and state-sponsored Islamisation programmes. Governments and leaders who have used Islam in this way include Egypt's President Sadat, Iran's Ayatollah Khomeini, Bangladesh's General Ershad and Malaysia's Prime Minister Mahathir. Most rulers and governments, aware of the potential strength of Islam, have shown an increasing sensitivity to Islamic issues and concerns, and this includes even the more secular states such as Turkey and Tunisia. Efforts for Pan-Islamic unity have led to the formation of a few Islamic International organisations. Since 1969 the Organisation of Islamic Conference (OIC) has attempted to play the important role of

improving the circumstance of Muslims through out the world. Supported by 44 governments that identify themselves as 'Islamic', this organisation has been involved in political as well as cultural and educational matters. International organisations such as these seek to foster unified action based on a common vision for safeguarding international Islamic interests. However, in fact often these ideas actually have little influence on state policy. Nevertheless, the visions of a unified and strong Islamic community have trickled through to the general public.

2.3 Militant Islam

The power of resurgent Islam was dramatically illustrated in the Iranian Revolution of 1978-1979 when the powerful, modernising, Western-oriented regime of the Shah came crashing down. The revolution in Iran provided a powerful inspiration to Islamic movements the world-over as an example to be emulated. Whilst the role of the clergy was crucial, and the ideology and symbolism of Shi'a Islam was important in uniting disparate groups against the Iranian state, there were other strong economic factors and a class struggle evident in the march to the revolution in Iran. It is therefore wrong to simplify the identity of Islamism purely to religion alone: it is essential to consider the political economy as well.

Following the establishment of Twelver Shi'ism as the state religion during the Safavid period (1501-1736) the institution of Shi'ism acquired certain features that became quite specific in relation to the position of Islam in other Middle-Eastern societies. Most importantly the Shi'a *Ulema* were unique in being quite independent economically and politically from the State. This occurred by the establishment of mechanisms for donations and endowments from the public. Thus in modern Iran there was a type of hierarchised clergy, led by certain Doctors of the Law, who were adept at interpreting the sacred texts as they saw fit. Religious personnel or *ulema* have powerful positions in Shi'a doctrine and history as spiritual and moral leaders of the community.

Fisher, in his acclaimed study of the Iranian Revolution, describes how Shi'a sacred history and its theme of martyrdom as elaborated in passion plays acted as the means of inciting emotions and strong opposition to the Shah amongst the population (Fischer 1980:4). Whilst Reza Shah Pahlavi (1924-1941) did not formally abandon Islam in his modernisation campaign, he had no

regard for the strong religious feelings of his populace. Personally the Shah was a strong believer in an authoritarian system: he did not tolerate opposition and ruthlessly suppressed any voice of dissent by all means possible, including the indiscriminate use of his secret service SAVAK. The suppression of political discourse made religion the primary idiom of the political protest (Fischer 1980:9). Under the Pahlavis there was an outright attack on the powers of the *Ulema*, especially in the spheres previously monopolised by the *Ulema* such as jurisprudence, education and the supervision of public decorum (Fischer 1980:108). Despite the Shah's policies, Shi'ism continued to have strong influence at popular and scholarly levels. The *madrassas* (centres of traditional religious learning) of the sacred city of Qum, were important as centres of political discontent and religious opposition to the State. There was much anxiety amongst the *Ulema*, over the deterioration of religious and judicial learning due to competition from secular-based universities patronised by the State (Fischer 1980:104). Violent confrontations with the State occurred in *Ulema*-led campaigns opposing modern schools, enfranchisement of women and the State's policies of the forcible unveiling of women. The *Ulema*'s authority and autonomy were further undercut by State initiatives attempting to take-over control of shrines, mosques, religious funds and *Ulema*-owned land. This initiated a vigorous Islamic defence of private property. Furthermore the *Ulema* had strong ties with the bazaar bourgeoisie whose economic interests were endangered by the State's economic policies and foreign imports.

Strong elements of class struggle can be detected within Islamism both in Egypt and in Iran. In Iran the oil wealth attracted masses of peasants from the countryside where they packed into shanty towns, as was also the case in much of the Sunni Arab world. These were the 'disinherited', suffering from the exploitative aspects of capitalism, who were mobilised by the Islamic Revolution. A nationalist ideology of an Iranian Muslim population oppressed by corrupt un-Islamic rulers and outsiders came into being. This ideology was influenced by socialist ideals and student activism. Shari'ati, an important ideologue behind the Revolution, developed a modern reformulation of the Shi'ite theory of the State. However, despite his claim to be a revolutionary reformist, his message was essentially identical to that of the religious establishment. His concept of *siyasat* (polity) while it involved education and reform, emphasised leadership and force if necessary (Fischer 1980:154). What triggered the Iranian Revolution was an alliance between those amongst the clergy who followed Khomeini and the

Islamist student elites who were products of the efficient educational system in Iran but frustrated in their attempts to rise in the social scale.

The theme of persecution, suffering and martyrdom in the fight against oppression and injustice is an important and persistent one in Shi'a ideology and symbolism (Fischer 1980:170). This theme is constantly remembered and re-enacted in annual passion plays. The sacred history which is re-lived in the month of *Muharram* (the first month of the Muslim calendar) is that of the martyrdom of Hussain (the Prophet's grandson) at Karbala. Hussain was killed in battle against the forces of the Sunni Caliph Yazid. The Shi'a-Sunni division which was the first major schism within Islam occurred after the death of the Prophet and during the ensuing dispute over leadership of the Muslim community. The Shi'a believed that succession should have gone along dynastic lines to the Prophet's son-in-law, 'Ali. They thus regard the first Caliphs of Islam - Abu Bakr, Umar and Uthman - as illegitimate unjust oppressors.

Fischer illustrates how in modern-day Iran the symbolic rhetoric and passion plays of the Karbala united disparate groups by transforming the passive weeping for Hussain into the active witnessing of fighting and the overthrow of tyranny (Fischer 1980:183). With lack of support and active opposition by the State for the Muharram commemoration, these dramatic enactments took on anti-State characteristics. Khomeini, who described the Shah as the historic evil and unjust tyrant Yazid, became identified as a major symbol of opposition to the Shah. Shi'a preaching was thus polished into an effective technique for maintaining a high level of consciousness about the injustice of the Pahlavi regime.

Whilst in exile Khomeini became identified with the hidden Twelfth Imam and legends were built up around his life. Shi'ite Ideology holds that no ruler will have legitimacy until the advent of the hidden Imam, the *Mahdi* who will usher in an era of justice and truth. It is to the coming of the *Mahdi* that the Doctors of Law await. The Shi'a owe ultimate allegiance to the *Mahdi*, although for reasons of convenience temporary outward allegiance may be given to the ruling power. In contrast traditional Sunni interpretation has it that as long as a Sultan rules according to Islamic laws, the Muslims should support him. This fundamental illegitimacy of the ruler within Shi'ism provided a valuable doctrinal basis upon which Khomeini, before his return from exile, called for the overthrow of the Shah. Khomeini further developed the novel Islamic

concept of *vilayet-e-faqih* or juris-consult who institutes divine law in the absence of and on behalf of the Imam.

2.4 Re-Islamisation from Below

Although contemporary Islamist revival is often associated solely with the Iranian Revolution, its seeds may be found in many parts of the world during the late 1960's and early 1970's. The 1967 Arab-Israeli war proved to be a turning point in the Arab world. The loss of Jerusalem, the third holiest city of Islam, rendered the defeat a world-wide Islamic, and not just a Palestinian, issue. For many Muslims the magnitude of the defeat struck at the heart of their sense of pride, identity and history. Amidst this a common critique of the military, political and socio-cultural failures of Western-oriented development and a quest for a more authentic, indigenously rooted society and culture emerged. In Egypt religiosity is believed to have grown following the 1967 defeat. People felt that God had abandoned Egypt and allowed it to be defeated because the Egyptians had abandoned God (Haddad 1991, Shoukrullah 1994). There was a loss of faith in Nasser and his entire secularist ideology and his socialist programmes were judged to have been failures. Islamist movements grew stronger and more widespread as did their visible emblem, 'Islamic dress' for both men and women. Since the 1970's these movements have steadily continued to gain ground.

In the early 1970's the Sadat government embarked on the *infitah* (open-door) policy and promulgated a series of new laws which encouraged foreign investors, both Western and Arab, in order to promote economic growth. However, in actual fact the concessions led to foreign investments that were lucrative only to the foreigners and to a few Arab middle-men. The flooding of the country with luxury and consumer goods was detrimental to the local textile, clothing and tobacco industries. Whilst the open-door policy brought sudden wealth to a few, most Egyptians experienced its negative effects and, in particular, problems were exacerbated by the State's retreat from internal development and the public sector. There was high inflation, serious shortages in housing, low wages and reduced employment prospects. Corruption was rife and the perceived moral breakdown became associated with the Western cultural penetration. An unfamiliar and culturally offensive mixing of the sexes - accompanied by drinking, dating and sex - were seen as being in vogue. Despite Sadat's promise of an era of prosperity, on the contrary even for the educated there was an increasing likelihood of

unemployment. Amidst this economic and political crisis Islamism became the language of protest against the State. Furthermore Islamist organisations started to provide valuable social welfare services, which the State was unable to provide efficiently, to the under-privileged; such as medical aid (Kepel 1994).

In this climate of growing Islamisation Sadat made increasing accommodation to the Islamists. He himself took on an Islamic rhetoric and, in contrast to Nasser, was tolerant of the Muslim Brotherhood and other Islamist groups. Sadat actively encouraged the Brotherhood and, at the same time, suppressed left-wing opposition. The Brotherhood was allowed to resume their activities and very soon their publications reached a wide audience. However, their literature as well as criticising Nasserism and communism, also commenced attacking Sadat's policies. Their Islamist discourse became the language of political dissent and discontent. When Sadat signed the Camp David agreement giving Israel diplomatic recognition, there was a hue and cry not only from the Islamists but also throughout the entire Muslim world.

The 1970's and the 1980's was characterised by the activism of highly militant Islamist groups in Egypt and the world over. However, it appears that pietist socially orientated Islamic organisations have proved to be more successful in the long term than the more militant ones; probably because their activities promoted social stability (Kepel 1994). The Islamic organisations tend to build up structures in the community which protect individuals from the buffeting of modern life. Through their activities they have come to occupy a dominant position in civil society. Carrying on into Mubarak's era, the Brotherhood has emerged as a vibrant social and political force in Egyptian society. Although not registered as a political party, it has nevertheless formed alliances with other groups and emerged from national elections as a leading opposition force. Similar to other Islamist organisations the Brotherhood provides Islamically inspired alternative educational, legal, medical, banking and social services often more cheaply and more efficiently than the government. On university campuses Islamists have linked charity and social concern with their political and religious aims. Contrary to many stereotypes, the leaders of both moderate and radical Islamist organisations in countries such as Egypt, Algeria, Bangladesh and Pakistan are not uneducated anti-modern reactionaries. A large number of young and educated people are attracted to these movements. Many of the activists combine traditional backgrounds with modern education at major national and international universities. With the exception of Shi'a groups, most Islamist organisations

consist predominantly of lay, as opposed to clerical, members. The majority are graduates of the faculties of science, medicine and law rather than religion or the humanities. They come from the lower middle-class and middle-class backgrounds and are at the same time pious and highly educated. They do not simply reject modernity but are trying to espouse a more indigenously rooted Islamically oriented alternative to the prevailing Western forms of modernisation.

The Islamic movements and organisations have differing political aims. However, they share and have much in common in their ideals, values and aspirations. Haddad from her survey of Islamist literature finds that there are a number of common and recurring themes (Haddad 1991). Underlying most of them is the acknowledged tension in which Muslims perceive their culture and religion to be in conflict with the West. Common to all is the desire to establish what they perceive to be a 'just' Islamic society through the transformation of personal and public life. However, there is no consensus between the groups on precisely which Islamic ideology should be adopted, what constitutes the best solution, what course is to be taken or what changes are to be implemented. Mainstream writers are united in their condemnation of the use of violence and in their advocacy of a measured and controlled form of *jihad*. They stress the importance of reconstituting Islam to its rightful place in society, especially in its social and public context, and they emphasise the need to regulate society Islamically through the imposition of *Shari'ah* laws. Islamists, at the same time as stressing the public face of Islam and issues of power, are also concerned with personal and moral salvation. The indices of Islamic re-awakening in the personal or individual life are many: increased religious observance such as mosque attendance, prayer and fasting; more emphasis on Islamic dress and values; proliferation of religious programming and publications. Although militant Islamist movements in the Sunni world have generally been defeated in their violent confrontations with the state, however, there is growing evidence of a quiet, moral Islamic revolution occurring. Kepel refers to this process as 're-Islamisation from below' (Kepel 1994:39). This process of emphasising personal moral salvation as a means of ultimately re-Islamising society has some of its roots in the pietist internationally influential *Tabligh* movement founded in India in 1927¹¹.

¹¹ The *Tabligh* movement is essentially dedicated to the renewal of an individual's spiritual self. It seeks to achieve the Islamisation of society by preaching to the masses, as opposed to the imposition of an Islamic government from above.

The revivalist movement is very much a phenomenon of the lay world and discussion of religious topics is no longer purely in the hands of the clergy. Except in Shi'a Iran, the power and influence of the clergy has steadily declined. The *Ulema* has come to be viewed by many as being mere pawns and puppets of the government, willing to distort Islam to fit Western and modern ideologies. The production of much of today's religious literature is outside the realms of the theological institutions or government presses. One of the most important factors in this democratisation of religion lies in the printed word. A phenomenal growth in the publication and dissemination of literature in many Islamic countries has played a key role in the increase in the numbers of people committed to an Islamist solution to modern problems. In many Muslim countries the Qur'an and other religious texts, tracts, pamphlets and books on Islamic law are readily available in bookstores and sidewalk stalls. Publishing houses are proliferating and publication is aided by a variety of donations. It is clear that literacy and the availability of contemporary commentaries that address current issues have made the Qur'an more accessible to the general Muslim public. The Qur'an has become an important source not only for devotions, but also as a means of reflecting, consciousness-raising and politicisation. Other modern media, such as audio cassettes (which were of considerable significance during the Iranian Revolution), religious videotapes and computer programmes have become important for the dissemination of revivalist ideas. Special literature has been developed for women and children.

A very important factor in Islamism has been the migration of workers in pursuit of employment (from, usually, the Indian sub-continent) to the oil-rich countries of the Gulf and to the Western industrial nations. Their experience of migrancy has in many instances engendered a new superior identity found in the universal bond of Islam, transcending national and regional identities. Boundary markers such as 'Islamic dress', *halal* foods, *etc.*, have taken on an added significance in these contexts. The Salman Rushdie affair illustrated the strong religious sentiments of a large number of Muslims in Britain. These Muslims have taken on the identity of a 'British Muslim community' in their common experience as a minority in a hostile environment. In Britain re-Islamisation from below has been encouraged by the reduction of state welfare provision. These reductions encouraged Muslims to turn to self-help networks run by the mosques. The break with the

surrounding British *jahilyyya* found a territorial basis in districts that were developing into forms of ghettos, organised around the mosques and controlled by the *imams*. Muslim activists living in Western countries, away from the watchful eyes of their governments, have been able to generate and disseminate new ideas about the potential of Islamic unity and revival. They are actively involved in forging international connections and relations with Muslim activists elsewhere in the world.

2.5 The Islamist Model of the 'Ideal Islamic Woman'

The growth of identity politics and fundamentalism are believed to be especially linked to changes in the patriarchal system, with growing visibility and public participation of women (Mernissi 1988, Moghadam 1993). Fundamental changes have occurred in gender relations throughout the world with the advent of industrialisation and world capitalism. Changes in gender relations and the structure of the family have resulted in a contestation between modern and traditional social groups over the nature and direction of cultural institutions. Female education and employment predominantly among the upper-classes and the elite in Muslim countries has slowly weakened the system of patriarchal gender relations. This has created status inconsistency and anxiety on the part of the men of the lower middle-classes and the petty bourgeoisie. Mernissi comments that the access of women as citizens to education and paid work can be regarded as one of the most fundamental upheavals experienced by our societies in the Twentieth Century *ibid*). By laying siege to the important places considered until then the private preserve of men and the privilege of maleness - the school and the workplace - women opened everything up to question, in their personal life as well as their public role. Therefore the 'return to the past' and the return to tradition that men demanded was, according to Mernissi, simply 'a means of putting things back in order' (Mernissi 1991:24).

Feminist scholarship has shown that at times of rapid social change gender assumes a paramount position in discourses and political programmes (Moghadam 1993:136). It has been observed by social scientists and feminists that fundamentalist movements of all religions typically elaborate the wife and mother role in far greater detail than the roles of men and children (Moghadam 1993, Hawley 1993). Due to their physical function of

reproduction and nurturing of the young, women are seen as embodying and transmitting culture and tradition. The central concerns of Islamist movements are generally attributed to be the sexual differentiation of social and familial roles and community morality. These movements are seen as having a traditional and 'conservative' view on the role of women. Women are viewed as being controlled through their veiling and confinement to the home. They are seen as having limited access to the public sphere. However, as I will seek to further elaborate upon later, contradictory impulses may be found in the Islamist movements' approach to gender and women's status¹².

In its historical practice amongst the majority of Muslims, Islam has been a very masculine religion. Illustration of this may be seen in the following: according to the orthodox conservative interpretations ritual duties rest to a greater extent upon the man than upon the woman (Hjaarpe 1983); communal praying at the mosque is according to the majority view recommended for men and, although permitted, for women is not encouraged; furthermore, when women do participate in joint or communal prayers they are positioned behind the men; prescriptions concerning ritual purity ascribe instances of greater ritual impurity to women than to men, *e.g.* during menstruation and childbirth; although the *Shari'ah* attributes to women the right to manage their own property, a woman inherits only a half of what the man inherits; in classical *fiqh* the testimony of a woman is regarded, generally speaking, as less valid than that of a man; the father or husband is considered to be the leader of his family and he has authority over his wife (Doi 1987).

Traditional interpretations of orthodox establishment Islam have stressed the hierarchical relationship between the sexes, and this especially in the conjugal relationship. Whilst accorded full personhood, ethical equality and rights in property and marriage as delineated by the *Shari'ah*, conservative Islamic discourse stresses obedience and modesty for women. Although equal spiritual worth is emphasised, there are marked differences between the rights of men and women in *Shari'ah* law regarding marriage, divorce, inheritance and legal testimony. 'Equality' and 'individual rights' has never been stressed in conservative Islam. Instead complementarity of roles, hierarchy and order necessary for the stable functioning of the community has been emphasised. Whilst modernists have reiterated the egalitarianism of Islam and have argued for reform in the *Shari'ah*, the

¹² See Section 5.0 *post*.

Islamist discourse echoes the conservative arguments of complementarity and the suitability of women to domesticity and motherhood.

The Islamist discourse whilst echoing much of conservative interpretations of the Qur'an and *Hadith* is, however, modern due to the occasional allusion to natural science. The recent Islamist literature is pervaded by defensiveness and xenophobia. All social change is seen as originating in the corrupting influence of the West. Thus Western civilisation is seen as depriving women of their honour and personhood, and Western education is seen as destroying the fabric of Muslim society and corrupting women. Huda Shar'rawi and her associate Saiza Nabarawi who cast off their veils in such dramatic fashion in 1923¹³ are cited as a classic example of the success of the West in corrupting Muslim women: both had received a French education (Haddad 1985:290). Several authors articulate what might be called an 'Islamist domino theory' which sees all problems in the world, whether political, economic or social, to be initiated by the grant to women of access to public places. Followers of this theory espouse that even the mere uncovering by a woman of her face in public will lead to the nation's underdevelopment, economic recession or even depression. The 'Islamic Order' is seen as an unchanging and strictly patriarchal one, characterised by features such as the extended family, total authority of the male over the female and segregation of the sexes (Stowasser 1987). Polygamy is defended as being natural and a social necessity. Although there is some variation in the stances taken by different thinkers, a simple general outline can be offered of 'the ideal veiled and virtuous Islamic woman' as elaborated in the Islamist discourse.

Islamist discourse argues that there are basic biological and psychological differences between men and women. It is said that these God-given differences pre-determine the tasks which men and women are qualified to perform on earth (Doi 1989:1). Women are considered to be emotional, weak, gentle and naturally inclined towards domesticity. Consequently women, in contrast to men, are not qualified for leadership positions. The model of the 'Western woman' is wholly rejected (Abu Shehab 1993:122). The Western talk of women's liberation and emancipation is seen as a disguised form of exploitation of the female body. The divine moral order envisioned by Islam where there is a delineation

¹³ Nabarawi and Sha'rawi removed their veils at a train station, in a symbolic act of emancipation upon their return from the International Women's Alliance in Rome.

of sex roles and where love and sex are regulated within marriage is, the Islamists argue, the natural state of mankind and the panacea for the chaos of contemporary society. The Islamists point to the promiscuity and family breakdown in the West. Islamic scholar Doi writes that “today checks on morality have become weak and considered unnecessary and as a result a flood of sexual licentiousness, nudity and promiscuity has burst in on the West” (Doi 1989:183)¹⁴. Islam, by contrast, is seen to envisage a social order that separates the spheres of activity and discourages the free mingling of the sexes. The Islamist vision of Muslim women is largely a negation and rejection of the ‘sexually liberated, economically independent, individualistic Western career woman’ who is seen to ignore family and motherhood. Islamist writers see capitalism as an evil, inhumane force which draws women into the labour force and encourages licentiousness, thus upsetting the natural order and harmony of society (Abu Shehab 1993).

The concept of Orientalism has been reversed by the Islamists writers: they have projected promiscuity and uncontrolled sexuality onto the Western woman. This phenomenon of ‘Occidentalism’ has its roots in the East’s colonial encounter with the West. Thus Persian travellers of the early 19th Century constructed an image of the West centred on women and their sexuality (Tavakoli-Targhi 1991): Western women were represented as having a voracious sexual appetite whilst the men were deemed to be incompetent. The Persian concept of *gharbzadegi* or ‘Westoxciation’ (fascination with the West) which results in the loss of self-identify and cultural alienation was important as the antithesis in defining the Ideal Islamic Woman during the time of the Iranian Revolution. Unlike the Westoxicated ‘painted dolls’ of the Shah who were involved in frivolous consumerism, the ideal Islamic woman wore a *chador*, kept to her religion and traditions, and was chaste and pious (Shari’ati 1980).

Certain ideals of womanhood are often propagated as indispensable to the attainment of an ideal society. These ideals apply to women’s personal behaviour, dress, sexual activity, choice of partner and reproductive options. Papanek in her study shows how in countries where ideological movements have become regimes - such as in Hitler’s Germany and Khomeini’s Iran -, ideologically motivated norms are enforced to limit or determine

¹⁴ Professor Abdur Rahman Doi is the Director of the Centre for Islamic Legal Studies, Ahmadu Bello University, Zaria. He has written extensively on *Shari’ah* law and outlined in detail the orthodox *Shari’ah* position on women’s role in society.

women's behaviour (Papanek 1994). Thus for both Hitler and Khomeini's movements, motherhood was at the epicentre of the ideal woman and, accordingly, the ideal woman's life in the Ideal Society was restricted to the home and family. The Khomeini regime emphasised the creation of new values and a new moral order. The sickness and problems of society became attributed to the body of the un-Islamically dressed woman. Indeed, there was a continuing pattern of using women's alleged inherent traits as a means of justification for male control of the women: *e.g.* by deeming that a woman's nature was as the temptress of men. Mothers in the role of educators was a common theme for Khomeini (as for Hitler): it was the mother's duty to educate her children into believers of the faith and raise them to become dedicated soldiers and martyrs for the cause. It was in these capacities that women to Khomeini were 'invaluable' and it was for these reasons that he denounced Western ideology for forcing women to discard their primary responsibility to their family (Afshar 1982:78).

Whilst in Iran there was state enforcement of the Ideal, a similar image of the ideal woman was stressed in Islamist literature in the Islamic world generally and in Egypt in particular. In this discourse women were constantly extolled to be chaste, obedient wives and good mothers. It was only through the fulfilment of these 'natural' functions that a woman could achieve rank, honour and selfhood. The woman's role was to provide warmth, serenity and support in the home. She should draw her security from the family and other family members should also be in position to do so: thus the children should be at home with their mother and not in a day-care centre; and, the elderly should be with the children and not in an old peoples' home. Polygyny is defended as natural and acceptable while polyandry is not: 'Polyandry is not only inconsistent with man's desire for exclusivity and love for his children, but it is against the nature of woman also' (Mutahhari 1991:324).

In support of the Islamist view of the roles of men and women in society, it is argued that the ideal home-making Islamist woman is spared the struggles and worries of a career. Thus she is identified as a self-sacrificing individual whose existence is fulfilled only in the service of others and whose joy is completed by making others happy. Although education and learning are religiously enjoined on both men and women, women should pursue the proper type of education which is suited to them - as determined by men. Contemporary Islamists argue that if a woman genuinely wanted to carry out her tasks of being the

mistress of the house, wife, mother and educator then she simply would not find the time to work elsewhere outside of the home (Stowasser 1994)¹⁵. They say that work by women outside of their homes should only be condoned if it was an economic necessity. "Islam does not require women to participate in trade, vocation or profession unless it is very necessary" (Doi 1989:147). Such work is undesirable due to the fact that it would inevitably bring women into contact with unrelated men. Islamists demand that following the onset of puberty, the sexes should be strictly segregated outside of the family nucleus: whether in school, at work or in public life. Furthermore, Islamists fear that economic independence of women would upset the 'natural' hierarchy of the sexes (1986:114) The Islamist discourse is most strict and forceful on the necessity of the 'veil' for Muslim women as a badge of their identity and modesty and as a deterrent to fornication. Islamist writers argue that the purpose of the veil is to make it impossible for a man to become sexually aware of a woman by seeing her. The modesty of the veiled Muslim woman is contrasted against the 'nudity' of the Western woman who interacts with men in public without inhibitions. Feminist thinkers are seen as trying to bring women unveiled into the public arena and thereby promote promiscuity and chaos.

Despite the rhetoric of the home-making wife and mother, however, Islamist women have in fact continued to go on into higher education and have entered the professions (Shaheed 1988, Ahmed 1992). There is evidence of varying positions on gender within the Islamist movements themselves. This disjunction between ideal and practice is well illustrated by the example of the famous Egyptian Islamist leader Zeinab al-Ghazali. Her personal lifestyle and history were flagrantly at odds with her public statements on the domestic role of women in Islamic society. She entered two marriages on terms that she set and which gave her control over the continuance of the marriage (Hoffman 1985). She divorced from her first husband because he took up her time and kept her away from her work. She stipulated to her second husband prior to their marriage that her perceived mission came first and that they would have to separate in the event of any major disagreements (*ibid*). So far, men have generally been in control of the Islamist discourse. Is it possible that the Islamist women's model of the Ideal is different to men's?

¹⁵ Stowasser quotes from Shaykh al-Sha'rawi of Egypt who has outlined a very popular contemporary guide for Muslim women.

Liberals, reformers and feminists continue to challenge and criticise the restrictive and inflexible blueprint of the Islamic Social Order and the Ideal Islamic Woman. In this they basically take two positions: one is to look into the early sources themselves and to refute certain aspects by bringing into view contradictory detail indicative of the fact that early Islamic society was much more flexible and, hence, quite different from what later restrictive material made it out to be. The second method of dealing with the restrictive and inflexible system is to deny its relevance altogether by understanding the Qur'an as a source book of Islamic *values* in which the general, moral-religious norms are more important than the specific political, social and economic detail that the Holy Book proclaims.

Gender Activism and the Islamic Framework

The global diffusion of concepts of democracy and equality pose an important cultural and political problem to Muslims. A number of authors argue that the ideals of human rights have received a wide acceptance amongst the Muslim populations of the Middle-East (Mayer 1991, Dwyer 1991). They state that the precepts of Islam like those of Christianity, Hinduism, Judaism and other major religions possessed of long and complex traditions, are susceptible to interpretations that can either create conflict between religious doctrine and human rights norms or reconcile the two. Whilst the modernists try for reconciliation, conservatives and Islamists insist that there is a clash between the Western world-views and the Islamic blueprint for social order. The literature arguing that Muslims must reject international rights norms and instead follow distinctive Islamic rights principles which limit freedoms and restrict rights provides the theoretical rationales for many of the steps that governments have taken in the course of Islamisation programmes (Mayer 1991). These programmes have led to changes in the legal systems that have had adverse effects on the recognition and protection of human rights. Ignoring the fundamental Islamic notion of 'ethical equality', these conservative interpretations emphasise the sexual and religious discrimination inherent in the pre-modern *Shari'ah* laws. They point to the pre-modern Islamic sources which do distinguish in a number of areas between the rights of Muslims and non-Muslims, men and women, free persons and slaves.

Gender egalitarian systems in varying degrees are evident in South-East Asian and African Muslim communities. However, in other regions Islam has in general traditionally been practised and interpreted in a manner which has been particularly harsh and restrictive to

women. Most of the world's Muslim population falls into the area described as the area of 'classic patriarchy' (Kandiyoti 1988). This region covers North Africa, the Muslim Middle-East (including Turkey and Iran) and South and East Asia (Indian sub-continent and China). It has been argued that despite the potential for more egalitarian gender relations encoded in the Qur'an and the example of the Prophet's actions, the patriarchal trend in Islam became more pronounced and inscribed into the *Shari'ah* as it spread in regions and civilisations¹⁶ that had had a long tradition of patriarchal and misogynistic practices. Whilst there is much diversity in the way Islam is experienced, practised and interpreted over time and space, this heritage of patriarchy continues in the discourse and practices of orthodox conservative Islam to this day.

As anthropologists have noted the close guarding and control of women has been especially strong in Mediterranean and Near Eastern societies even during ancient times. Veiling and seclusion were then considered necessary in order to protect wives and daughters from male contact outside of the family. However, the veiling and seclusion called for by Islam were stricter than that which existed in the European Mediterranean. The Qur'anic injunctions - which were often patriarchally interpreted- although taken as the literal word of God by no means determined all aspects of women's lives though (Keddie 1990). Thus just as it appears that most Muslim women have never really inherited in the way the Qu'ran states that they should do (especially with regard to land (*ibid*)), so at the same time adultery and fornication have rarely been punished in accordance with the Qur'anic teachings requiring four eye-witness. It is important therefore to be aware of the extent to which Qur'anic injunctions have been twisted and interpreted throughout Muslim history: it appears that, in general, the Qur'an was followed on sexual and other matters only when it was not too inconvenient or repugnant to men or the patriarchal family to so do. However, this does not mean that the prescriptions of the Qur'an and Muslim law were taken lightly by Muslims. The rules on polygamy, divorce and child custody were generally followed. The secondary position of women in relation to men was especially marked within the marital relationship.

Social and economic change as well as law reform has challenged the traditional family structure in the Muslim Middle-East. The present politicisation of the issue of gender and

¹⁶ The regions and civilisations referred to are Persian Sassanid society and Mesopotamia (Ahmed 1992).

the family is based on the Islamist discourse of cultural authenticity and resistance to Western cultural encroachment. The discourse of the Islamists glorifies the natural and God-given domesticity of women. In the Islamist quest for a trans-cultural and ahistorical 'Muslim Identity' which is seen as threatened, women are elevated to the status of a symbol of the community. In so doing men legitimate their control of women's appearance and behaviour (Helie-Lucas 1993, Moghadam 1993). Islamists make selective use of tradition as well as religious interpretations in order to structure an image of women which conforms to this reconstructed identity. The home and family relations are seen to be the last bastion of indigenous Islamic culture resisting Western cultural encroachment. Therefore women's equality and autonomy, gender roles and the family have become dangerous and sensitive issues.

Feminists and human rights groups argue that *Shari'ah*-based laws whose evolution and application have been under the influence of political Islamists have increasingly affected women's lives and their legal rights. Although there is no general world-wide trend towards repealing legislation favourable to women, however, women have been the primary targets of harsh state-sponsored Islamisation programmes in Iran, Sudan and Pakistan. In Iran *Shari'ah* rules were again in force with the abrogation of the Family protection Act by Khomeini. The military regimes of Zia ul-Haq in Pakistan (1979-1988) and Omar al-Bashir in Sudan (1989-present) became similarly associated with much the same regime of oppression of women following the imposition of their version of the *Shari'ah*. In addition to stripping women of legal protections in the area of family law, the Khomeini regime (at least in its early years) interpreted the application of Islamic standards to require drastic curtailment of women's activities outside the home. Women's educational opportunities were restricted, they were excluded from a wide variety of prestigious jobs, they were also dismissed from their existing posts and, on the whole, they were eliminated from politics and government altogether (Yaganeh 1982, Azari 1983). However, it should be noted that women's suffrage was never in fact abolished.

In countries where Islamist movements are strong women who try to defend their rights, whether human, civil or Islamic, are frequently accused of being Westernised. Faced with this accusation of 'cultural betrayal' many women try to demonstrate that their ideas are genuinely rooted in their own culture rather than in 'foreign' ideologies and that they are

not alienated from their own society (Helie-Lucas 1993). Feminists in many Muslim countries put themselves at risk by challenging the religious and political establishment and the (largely) accepted corpus of centuries-old religious interpretations of the *Shari'ah*. Many, such as Nawal El-Saadawi of Egypt, have consequently suffered public harassment and imprisonment. It has been accepted, however, that on the whole the impact of feminism has been minimal on the masses in Muslim countries. This alienation from the general population appears, in the view of those who have taken a narrow definition of feminism, to be due to a bifurcation along class lines (Ahmed 1992, Moghadam 1993)¹⁷. That view-point was quite common earlier this Century and was exemplified by the overt confrontational feminism displayed by leaders such as Huda Sha'arawi of Egypt.

Whether due to coercion and pressure from the growth of Islamism or a genuine seeking of an indigenous culturally based movement, women from Muslim countries are increasingly arguing for women's rights and equality from within an Islamic framework. This falls within the general attempt by modernist Muslims to reconcile global values of human rights, democracy and sexual equality with Islam. Feminist movements in Muslim countries whilst attempting in certain ways to seek religious legitimacy, have on the whole been secularly-based in that they have viewed religion as being a matter which should be relegated to the private, individual sphere only - and away from the public domain. In the case of Iran the feminist movement was largely secular-based and fought against the power of the Shi'a *Ulema*. Many earlier advocates of feminism saw Islam as being irrevocably gender-inegalitarian. Today, the term 'feminism' has become associated with Westernisation and few women in Muslim communities label themselves explicitly as such. However, whilst most Muslim women find the stereotyped image of feminism - that of being aggressively anti-men and in conflict with the Islamic moral code - unattractive, the principal ideal of 'sexual equality' has not yet been rejected by them. In fact the ideals of equal opportunity and equal treatment in the spheres of education, the professions, political participation and the family have a growing acceptance amongst women in Muslim countries. Badran talks of a kind of feminism or public activist mode amongst Egyptian intellectual women today (Badran 1994). Prior to the 1980's there was a clear demarcation and animosity between the feminist and Islamist camps. In the present day,

¹⁷ Badran argues that feminism in Egypt has been far less class bound than observers and critics have claimed (Badran 1993:144).

however, there is a new configuration of female forces which has blurred some of the hard-drawn lines of the earlier era. Badran argues that 'many women who can be broadly categorised as feminist, pro-feminist and Islamist are taking similar positions on women's societal role and engaging in common forms of activism' (Badran 1994:202). She terms this phenomenon '**gender activism**'.

I borrow Badran's term 'Gender Activism' to denote, in her words, 'women's common 'feminist' modes of thinking in the public sphere' (Badran 1994:203). In this context Badran has defined 'feminist' as broadly being an awareness of constraints placed upon women because of their gender, compiled with attempts to remove those constraints and evolve a more equitable gender system involving new roles for women and new relations between men and women. The phenomenon is not a social movement but involves individuals or a few loosely structured groupings (*ibid*). It is pragmatic rather than political in the more highly organised sense, and low profile and subtle rather than public and confrontational (Badran 1994:204). My own usage however is limited to women working within the framework of Islam using largely religiously-based arguments. Gender Activism is essentially similar to feminism and I use two terms loosely and interchangeably. My choice in preferring to use the term Gender Activism is by no means an attempt to essentialise feminism or argue that feminism cannot exist in Muslim societies. It is an attempt to clarify what seems to me to be an essentially new phenomenon - a religiously based feminism. The term feminism has become associated with individualism and a type of 'sexual liberation' alien to the Muslim world. Feminism has as I have explained come to be inextricably associated with a rigidly anti-religious stance. This stance was especially prominent in the 1970's. The writers that I have considered do not identify themselves as 'gender activists' and many may object my labelling of them as such. However, many of the writers do not identify themselves as feminists either. In fact many writers who identified themselves as feminist and took an anti-religious stance two decades ago have now changed their positions considerably. Many of the writers I have examined actually choose to write in English (and a small number in French). Thus they implicitly position themselves outside the internal debates in their societies and direct themselves towards the Western academia. However, it is not my place here to examine in detail what impact the gender activist writers have nor who their audience is.

Gender Activists represent a broad spectrum of religiosity ranging from liberal modernists to Islamist women. Though the majority are Muslim women some non-Muslim women are also involved. Whilst at present very small and newly emerging, I believe this phenomenon of gender activism is occurring in many Muslim communities as well as at a global level. My research seeks to focus in detail on the discourse propagated by a small number of ideologues for a largely Anglophone audience.

The emerging trend of Muslim gender activism has been observed world-wide by anthropologists. Kandiyoti writes that there is a clear attempt to resuscitate early Islamic history and the holy texts in order to formulate an indigenous feminist project (Kandiyoti 1992). In Pakistan Keddie has observed an important development where “many oppositional women and men are undertaking more thorough study than before of the Qur’an and Islamic laws and traditions so as to find better Islamic bases for an egalitarian position” (Keddie 1990:104). Ayesha Imam has written about Hausa Muslim women’s associations in Kano, Nigeria. These women argue for a purification and reform of gender relations based on an appeal to relatively liberal interpretations of religious scriptures (Imam 1994). In the face of this growing evidence of Muslim gender activism, Moghadam comments that “the new generation of Islamic feminists are ideologically correct”, and possesses the required symbolic capital to launch feminist-type campaigns to improve the status of women (Moghadam 1994:21).

It is not just Muslim women drawing on the liberal, modernist tradition alone who are engaged in gender activism; some of the most vocal and outspoken are Islamist women themselves. For non-Islamist gender activists religion is primarily an individual and personal matter: they do not advocate an Islamic state and they have a pluralist attitude toward society. Islamists, on the other hand, differ in that they promulgate the need for an Islamic state, the imposition of *Shari’ah* law and an all-pervasive Islam embracing all aspects of life. According to the Islamists social reality and social development have no influence on religion, whilst religion shapes and guides from above. Whilst Islamists insist on the static and immutable nature of Islam as legislated in the scriptures, the modernists by contrast emphasise the fluidity and adaptability of Islam to new situations. Modernists argue for law reform and maintain that the majority consensus of all citizens, as the voice of the public interest, should lead to civil legislation on the basis of the *Shari’ah*. Again

whilst modernist gender activists argue of total 'sexual equality' in modern human rights terms, the majority of Islamist women emphasise complementarity and campaign for women to regain their 'Islamic rights'.

Islamist and non-Islamist gender activists women show a surprising amount of similarity in their ideals for gender relations. Both groups argue for the reinterpretation of the Qur'an and *Shari'ah* so as to realise the gender-egalitarian ideals of true Islam. Several researchers have spoken of the emergence of Islamist women's gender activism in Sudan, Pakistan and Iran. Tohidi has spoken of the emergence of 'Islamic feminists' or the radicalisation of Islamist women previously disinterested in the advancement of women (Tohidi 1991). Haleh Afshar and Mir-Hosseini have written in some detail on this phenomenon with reference to Iranian Islamist women (Afshar 1994, Mir-Hosseini 1995). They state that there are clear signs of the emergence of a feminist re-reading of the *Shari'ah* texts. Their arguments imply that political reasons have made it expedient, if not absolutely necessary, for feminists in Iran to be for Islam rather than against it.

In Egypt Islamist women (following Zeinab al-Ghazali's line and developing it further) are evoking a new discourse on women. Zeinab al-Ghazali, an important Islamist activist of the 1950's and 1960's who is presently an active lecturer, teacher and propagator of Islam, remains today an important role-model for young Islamist women. Al-Ghazali's basic tenet is that Islam has given a woman all her rights - economic, political, social, public and private (Hoffman 1985:234-235). Heba Rauf Ezzat, a leading gender activist, argues that "it is time to launch a new women's liberation movement - an Islamic one"(el-Gawhary 1994). Whilst each of these gender activist ideologues and movements have to be considered in their particular socio-economic and political situations, unity in their ideals are evident. On the whole the gender activist discourse is a challenge to the domesticated ideal Islamic woman as defined by the Islamists.

The present discourse of gender activism has, I believe, gone beyond the ahistorical idealistic denial of inequalities in orthodox Islam. Many Muslim feminists, conservative Muslims and Islamists insist that Islam revolutionised gender relations and gave women equitable complementary rights to men. In my view, many of these Muslim thinkers have erred in projecting modern ideas of human rights and sexual equality into the Prophet's era

of the 7th Century. I consider that more often than not it is simply cultural nationalism that has been the impetus behind this desire to show that Islam originally anticipated all the valued achievements of modern society. The more sophisticated and critical aspects of the emerging discourse of modernist Muslim gender activists start from the premise that although Islamic sources may have foreshadowed ideas that were later developed into human rights principles and ideals of gender equality, the study of Islamic civilisation shows that the potential of the sources were not fully developed until the 20th Century (Mayer 1991). The ideologues amongst the gender activists, consequently, attempt to build on the egalitarian ideals inherent in Islamic scripture whilst arguing for reform in the gender inequalities evident in the pre-modern *Shari'ah*.

Gender activists are concerned with achieving 'equality' of the sexes in terms of acceptance of the dignity of the sexes in equal measure, their enjoyment of equal rights and responsibilities in the social, economic and political spheres. They wish to have equal rights under the law and socially accepted codes of behaviour, to enter into and leave marriage as well as equal freedom to choose a profession or a way of life. To achieve this end, gender activists devote time to research their 'feminist' ancestors in order to recover and reclaim their own history and religion. They are currently entering into scholarly research into the male-dominated spheres of Islamic theology and jurisprudence. They essentially take the position that oppression is very real in the practice of Islam but extrinsic to the ideals and values of 'true' Islam. Al-Hibri states that Islam itself has given women full human rights, but that patriarchal interpretations and practices have taken these away (al-Hibri 1995). Many Muslim women and men consequently argue, as is widely accepted, that some 14 Centuries ago Islam recognised women's legal and economic independence as separate from that of their fathers and or husbands and sons. However, some authors excessively idealise the Prophet's era as being one of complete gender-egalitarianism and harmony. For example, Hussain argues that it is "feudalistic thinking not Islamic thinking that places women under the control of men" (Husseini 1984). For her, 'true' Islam was practised only in the Prophet's era. The Prophet's actions were liberal and humane towards women. Others argue that Islam brought a radical change in gender relations for that period in Arab history. Thus they argue, today such reinterpretations should attempt to bring gender equality to modern international

standards¹⁸. All authors agree that after the Prophet's death interpretations of the religious texts became more restrictive towards women's autonomy and freedom. In her analysis of religious scriptures, al-Hibri attempts to show how in the development of the *Shari'ah* interpretations of the religious texts by male scholars tended to become more and more restrictive towards women through the ages (al-Hibri 1982).

3.1 Ethical Equality

Gender activists, like modernist reformers early this Century, are particularly eager to stress the more egalitarian strands in the religious scripture. In this they particularly emphasise specific Verses of the Qur'an and certain *Hadith*. The more liberal interpretations of these in the *fiqh* argue for complete moral and spiritual equality between men and women. This re-interpretation provides the sanctioning forum for more egalitarian gender relations. Like many other reformers gender activists are selective in their use of traditions and religious interpretations. They attempt to use the message of 'ethical egalitarianism' in the Qur'an to structure a model of Muslim women different to the one constructed by the Islamist discourse.

Many reformers point out that Qur'anic precepts consist in the main of broad, general propositions largely of an ethical nature, rather than specific legalistic formulations. They do not provide a simple straight-forward code of law. Many of these broad propositions are addressed to both men and women and reiterate their full and equal humanity: thus both sexes have equal rewards for good deeds and bear the burden of equal moral responsibility; there are similar punishments for both male and female thieves and adulterers¹⁹. In fact it has been pointed out by many that one of the remarkable features of the Qur'an, particularly in comparison with the scriptural texts of other monotheistic traditions, is that women are explicitly addressed. Stowasser argues that women's essential equality with men is greater and more complete in Islam than in Judaism and Christianity (Stowasser 1984:22). Unlike Judeo-Christian belief, in Islamic sources Eve alone was not solely responsible for the expulsion from Paradise; **both** Adam and Eve

¹⁸ Gender activist ideologues such as Fatima Memissi, Leila Ahmed and Riffat Hassan hold this view.

¹⁹ Qur'an, 5:38

were. One of the most oft quoted Qur'anic Verses used to highlight this ethical gender equality is :

*“For Muslim men and Muslim women,
for believing men and women,
for devout men and women,
for true men and women,
for men and women who are true and constant,
for men and women who humble themselves,
for men and women who give in charity,
for men and women who fast (and deny themselves),
for men and women who guard their chastity,
and for men and women who engage much in God's praise,
for them has God prepared forgiveness and a great reward”*
(Qur'an 33:35)

This passage makes a clear statement about the absolute identity of the human moral condition and the common and identical spiritual and moral obligations placed on all individuals (Al-Faruqi 1990:44). Other such Verses include:

*“I shall not lose sight of the labour of any of you who labours in My way,
be it man or women: each of you is equal to the other”*
(Qur'an 3:195)

Much of the discourse of Muslim gender activism is led at an academic and intellectual level. It is not simply the religiously trained who have contributed to this discourse, but also historians and anthropologists as well. One of the strongest arguments for an egalitarian Islam in tension with hierarchical elements within it comes from Leila Ahmed in her work *Women and Gender in Islam*, published in 1992²⁰. Ahmed argues that although both Islam and Christianity were predicated on a hierarchical social order, Islam in addition preached an ethical message regarding the equality of all human beings (Ahmed 1992:65). Thus even as it instituted a sexual hierarchy within marriage, it laid the ground in its ethical

²⁰ Ahmed is presently Professor of Women's Studies and Director of the Near Eastern Area Studies at University of Massachusetts, Amherst and Faculty Associate at the Centre for Middle-Eastern Studies, Harvard University. She has previously published work on feminist movements in the Middle-East.

voice for the subversion of this hierarchy (*ibid*). Both Qur'anic and *Hadith* passages imply an egalitarian view of human biology in terms of male and female contributions to conception. Ahmed writes that “there appear, therefore, to be two distinct voices within Islam, and two competing understandings of religion; one expressed in the pragmatic regulations of society, and the other in the articulation of an ethical vision” (Ahmed 1992:66). Ahmed subsequently goes on to show that in the development of the *Shari'ah* the hierarchical strand was extensively elaborated into a body of political and legal thought.

According to Ahmed and a few other thinkers, such as Mahmoud Taha of Sudan²¹, tensions between the pragmatic and ethical perspectives can be detected even in the Qur'an. Thus, some Qur'anic Verses - like the one's regarding marriage - undercut others that seemingly establish marriage as a hierarchical institution unequivocally privileging men (Ahmed 1992:63); *e.g.*:

“Wives have rights corresponding to those which husbands have,
in equitable reciprocity”
(Qur'an 2:229)

Such Verses stand in sharp contrast to the Verses establishing superiority of the husband to his wife and sanctioning the beating of disobedient wives²². Taha has formulated a radical new version of Islam and a new movement relying on the gender egalitarian Verses of the Qur'an. He argues that it is only these ethical precepts enjoining equality that were meant to be eternally binding upon humanity.

Murata, a Japanese scholar, takes a phenomenological approach in her study of Islam (Murata 1992). She focuses on the Islamic intellectual tradition as opposed to the legalistic approach of the *Shari'ah*. Murata looks at the principles involved in gender relationships at the theological, cosmological and psychological levels. She finds much similarity between Islamic ideas and ancient Chinese thought on the basis that cosmology is based on the complementarity or polarity of receptive and active principles (*i.e.* *yin* and

²¹ see section 4.2 *post*.

²² These include Verses such as Verse 4:34, “.....as to those women on whose part you fear disloyalty and ill conduct, admonish them, refuse to share their beds and beat them; but if they return to obedience seek not against them means of (annoyance): for God is Most High, Great.”

yang qualities) (Murata 1992:7). This basic duality is connected to the One who is beyond all duality. With regards to the notorious Qur'anic Verse

“The men have a degree above them (the women)....”

(Qur'an 2:228)

Murata argues that at the social level this implies strictly defined gender roles and hierarchy (Murata 1992:174). However, more esoteric interpretations which attempt to look at the inner spirit of the Verse have argued that women have the advantage of relative weakness and incapacity in the outward domain. Recognising one's own *yin* qualities (gentleness, servant-hood) in the face of God is an aid to *tawhid* (or the Oneness of God), since it makes a person ascribe all power, creativity and glory to the Real (Murata 1992:178). Women thus will be less inclined to make unjustified claims. Murata justifies inequality by making servant-hood an asset for women.

Liberal ideas of equality and human rights for all citizens were easily Islamicized early this Century in the Middle-East. However, in many Muslim countries there has been and continues to be a reluctance to extend this full absolute equality to women (Ahmed 1986: 665). Furthermore it should be emphasised that the concept of 'equality' itself often has different connotations in different contexts. For example, although the concept of egalitarianism was a fundamental tenet of the political legal order envisaged by the Constitution and the Declaration of Independence of the USA, almost no white males in the era of the Founding Fathers thought that that principle of equality extended to women and to black slaves; both of these categories were simply assumed to be inherently different and unequal (Mayer 1991). It is therefore possible to both affirm equality and at the same time support a regime of laws that discriminated on the basis of sex and race. Thus, one finds Muslims who will argue that Islam recognises the principle of equality even whilst maintaining that women must be accorded an inferior status. For example, although Mawdudi included the "the equality of human beings" in his list of Islamic Human Rights, however, in his discussion of this principle he argued that Islam outlaws discrimination between 'men' based on colour, race, nationality or class (Mawdudi 1980:12). He did not include equality between men and women in his discussion and nor did he argue against discrimination on the basis of sex/gender. Instead, he simply emphasised the complementarity of the roles of men and women. Mawdudi objectifies

women and argues that respect for the chastity of women should be a “basic human right”. He states:

“...a woman’s chastity must be respected and protected at all times, whether she belongs to one’s own nation, or the nation of one’s enemy....” (Mawdudi 1980:18)

However, in practice, as feminist anthropologists have shown, in many Middle-Eastern countries the need to shield women’s chastity has been exploited in order to justify the denial to women of a broad spectrum of rights and to keep them restricted to their homes. There is an ambivalence which conservative Muslims and Islamists feel about the principle of equality, a principle which they are in general reluctant to condemn openly but seek to circumvent in practice. Although equal human rights between men and women are reiterated by the post-revolutionary Iranian Constitution, the inclusion of certain provisions indicate that discriminatory *Shari’ah* principles would prevail over the secular equal protection principle: thus whilst Article 20 taken in isolation guarantees men and women equal protection before the law, however, Article 21 then states that a citizen’s rights are qualified by Islamic standards according to the pre-Islamic *Shari’ah* (Mayer 1991:128-129).

Islamism as the rhetoric of popular political dissent has often emphasised egalitarianism and equality. This was the case in pre-Revolutionary Iran and is the case in present day Egypt. However, often this egalitarianism has not been with regard to gender relations. However, Islamists, even whilst they reiterate the rhetoric of the domesticity of women and argue against total ‘equality’ of the sexes, in no way ignore women. The Brotherhood in Egypt has encouraged women’s active participation and has come to emphasise the essential contribution of Muslim women. Nevertheless, it is with regard to the familial role of wives and mothers that Islamists exalt women. Women are seen as the helpmates and mothers of future Muslims. Modernist gender activists, on the other hand, wish to see a fundamental change in family structure and ideal values. They desire acknowledgement of women’s equal intellectual, economic, political and social contributions in the professions and public life.

3.2 Feminist Theology

The women's movement and the egalitarian ideals of feminism have radically affected traditional religions and civilisations throughout the world. One particular example is the breakdown of domestic segregation and the entrance of women into religious spheres outside the home (Young 1994). In Muslim countries women now seek access to what were previously considered to be exclusive spheres of religious power. This 'feminization' of Islam has resulted in demands for women's access to theological institutions, positions of religious leadership and prayers in mosques. Thus in Egypt there are a few Muslim women who teach the Qur'an and Islamic tradition (Smith 1994); in Indonesia the *Aisyiahah* movement (named after the Prophet's wife) educates women about Islam; a few women in Indonesia and other countries are also performing the roles of *imams* (prayer leaders) (*ibid*); throughout the world there is a proliferation of women's study circles and discussion groups. Often female counterparts or sister organisations are created to important Islamist organisations as in the case of the Muslim Brotherhood in Egypt.

Despite the prominence of women such as the Prophet's wives Khadija and A'isha during early Islam, the Islamic tradition has until the present time by and large remained rigidly patriarchal and discouraged the growth of scholarship amongst women, particularly in the realm of religious thought²³. Although even during the most misogynistic periods of history a small number of women have been able to participate to some degree in the world of thought and learning, Islamic theology has remained essentially a male preserve. According to gender activists the sources on which Islamic tradition is based - mainly the Qur'an, *Hadith* literature, and *fiqh* (jurisprudence) - have been interpreted only by Muslim men who have arrogated to themselves the task of defining the role and status of women in society.

Today gender activist women from Muslim countries are attempting Qur'anic exegesis (a field exclusive to men in the past) and thus challenging Islamists in their own fields. These women have studied the Qur'an, the *Hadith* and the *tafsir* to re-establish the 'truth' of the

²³ Conservative Muslim scholars argue that women have never been deliberately excluded from theological institutes or the realm of religious learning. There have been a few well-known women *Ulema* (or *alimat*) in Islamic history.

revealed texts. They denounce the human and historical input into the *Hadith* and *tafsir* and see this input as being responsible for the discrimination against women. Akin to certain purificatory strands within Islamism, these gender activists largely seek to revert back to the 'original sources' (*i.e.* the Qur'an and *Sunnah* of the Prophet) and reject later interpretations and practice. Therefore, for many the real question that has emerged is whether these sources themselves are inherently inegalitarian. Over the past few decades feminist theologians have also infiltrated other religions as well, especially Christianity. Feminists in religion have objected to misogynistic doctrines, gender discrimination within religious hierarchies and liturgical language that is skewed toward the masculine. They have often left the mainstream and attempted to devise new forms of religion that do not put women in second place. Despite the gender inegalitarian bias evident in the majority of religious scriptures modernist feminists insist that modern knowledge and hermeneutics reveal in them meanings that are in startling opposition to traditional exegesis.

The major hermeneutical dilemma facing textual interpretation is devising some standard by which to adjudicate competing interpretations. This dilemma is a result of the recent philosophical trend of emphasising the interpretative nature of all understanding, instead of the traditional pursuit of firm foundations. Derrida, for example, does not shy away from but embellishes the relativistic tendency within phenomenological hermeneutics. Derrida and other de-constructive interpreters have been criticised for advocating an unmitigated relativism that results in the acceptance of all interpretations as equally legitimate. However, in order to avoid an unmitigated relativism the science of interpretation can only lay claim to intellectual respectability if its results can purport to have validity. Several gender activists have been influenced by these developments in textual analysis. They have tried to keep new interpretations of the Qur'an within the confines of traditional methods of interpretation even though they have reached radically different results. The traditional conservative viewpoint, which is reiterated today by some Islamists, is basically that the Qur'anic text has a single, determinate meaning and any interpretation that does not reproduce this meaning is judged to be incorrect.

Amongst the pioneers of the movement of Islamic feminist theologians is Riffat Hassan, whose work is now rapidly gaining international influence²⁴. Her writings analyse the Qur'an and the *Sunnah* as well as the *fiqh*. Hassan has argued on numerous occasions that the Qur'an, if interpreted properly, is a very humane religious text. She attempts to demonstrate that the interpretations of the Verses most often used against women have been influenced by pre-Islamic discriminatory practices or the anti-feminist bias in the Jewish and Christian traditions. Thus in her research she shows that unlike in Judeo-Christian sources, in the Qur'an Eve was not created from Adam's rib (Hassan 1985). She points out that the edifice of man's superiority to woman rests largely on the belief that woman was created from and for man. Hassan stresses the progressive and egalitarian nature of the Prophet's message and argues that one has to tap into the spirit of the Qur'an instead of the literal meaning of the words (Hassan 1986:32). However, she also argues that one cannot establish the spirit of the Qur'an without dealing with the letter of the Qur'an - although not in too literal or simplistic a fashion. An international group of feminist theologians now researches religious issues and raises consciousness (WLUML 1990). Riffat Hassan is attempting to establish the basis for a women's liberation movement rooted in religion and, at the same time, maintain links with women from other religions in the hope of developing a liberation theology in Islam (Helie-Lucas 1993:219).

Hassan points out, as do many other gender activists, that when Islam was established (between 622-632 AD) there is strong evidence indicating that both Islam and the Prophet of Islam made tremendous efforts to emancipate women (Hassan 1986:31). Hassan considers that the present Islamic revival although has produced misogynistic regimes and movements such as Zia's Islamisation programme in Pakistan, has also had the positive effect of raising general consciousness on the issue of gender in Islam. Hassan writes that underneath all the more obvious causes for the inferior position of women - sociological, historical, economical - is a cause that has theological roots (Hassan 1986:32). She believes that dealing with the theological foundations of these negative attitudes will help to free and emancipate women. The majority of Muslims believe that God has given men superiority over women. According to Hassan, these patriarchal assumptions are based on the Biblical Genesis story of Eve having been created from Adam's rib and therefore being

²⁴ Hassan gained her doctorate in Islamic Philosophy and has been the Professor of Religious Studies at the University of Louisville, Kentucky.

derivative and subordinate to him; *i.e.* woman created from a man and for the benefit of a man (*ibid*). Although the Qur'an states that humanity originated from "a single soul or self" (Qur'an 4:1 and 7:189), most Muslims believe that since Eve was created to be a helpmate to Adam this makes him the primary creation. Hassan, however, argues that the Qur'an even-handedly uses both feminine and masculine terms and imagery to describe human creation.

Hassan's radical new argument is that the Qur'an says absolutely nothing about Eve and does not talk about the creation of woman from man (Hassan 1985, 1987). According to her the Qur'an, which is the ultimate religious authority for Muslims, talks about human creation in absolute egalitarian terms. However, subsequent interpretations, influenced by *Hadith* literature have reiterated the Genesis story. Hassan analyses the language of the Qur'an in depth. Her chief argument is that the common translation of 'Adam' as 'man' or 'the first man' is wrong²⁵ (Hassan 1987:28). She argues that 'Adam' is a Hebrew word co-opted into Arabic and is a collective noun meaning humanity (*ibid*). Whilst the term itself is a masculine noun, linguistic gender does not connote sex in Arabic. 'Adam' is retained more as a concept than as a name of a concrete human individual. Hassan argues that the word refers to the human species irrespective of a specific gender. Furthermore, she writes, the Qur'an contains no categorical statement the Adam was the first human being created by Allah. Instead of Adam and Hawwa (Eve) the Qur'an speaks of Adam and *zauj* (translated "mate") (Hassan 1985:126). Muslims almost without exception assume that Adam was the first human being and that he was male. If Adam was a man it follows that Adam's *zauj* mentioned in the Qur'an becomes equated with Hawwa. According to Hassan, however, neither the initial assumption nor the inferences drawn from it are supported in clear or conclusive terms by the Qur'anic text (*ibid*). The term *zauj* is also a masculine noun but it has a feminine counterpart *zaujatum*. Since the Qur'an uses the masculine noun *zauj*, Hassan writes that the terms were deliberately left unclear (Hassan 1985:127). The purpose of the Qur'an is not to narrate certain events in the life of a man and women (such as Adam and Eve of popular imagination) in the literal sense, but to refer to the life experiences of all human beings in the symbolic sense.

²⁵ *Adama* literally 'the soil' is a collective noun meaning 'from the soil' (Hassan 1985:125).

3.3 Reclaiming the Past

Gender activists look back into the past and read a relatively egalitarian social order into the Prophet's era. Many past writers have idealised and projected an age of 'sexual equality' back into the past. Some early feminists influenced by the Marxist trend in the social sciences have spoken of a feudal system and a monolithic patriarchy which destroyed 'true Islam' (Hussain 1984). For example, Al-Hibri in her early writings wrote that patriarchy co-opted Islam after the death of the Prophet and that the Qur'an came to be interpreted out of context in support of this patriarchy (Al-Hibri 1982). Hussain writes that following the very early phase of Islam feudal structures manifested themselves in various ways in Muslim societies (Hussain 1984:4). According to her patriarchy was common in these societies and with the use of biological rationalisations women came to be seen as private property. However, following the new 'de-constructive' phase within feminism, the debate has moved beyond this monolithic conceptualisation of patriarchy which destroyed the harmony of gender egalitarianism in early Islam.

Conservative Muslims and many Islamist thinkers often reiterate that new and radical changes in gender relations were achieved by the Prophet (Mawdudi 1980, Muttahari 1991). They compare this new era of enlightenment to the pre-Islamic *Jahiliyya* (Age of Ignorance). Muslim sacred history has blacked out the *Jahiliyya* as the age of darkness, barbaric practices and rigid hierarchy. However, the present gender activists are more critical of attributing a wholesale improvement in gender relations to the onset of Islam. They attempt to provide a more realistic historically verifiable account of the actual changes that occurred. They argue that when studied against the pre-Islamic background, although both the social status and legal rights of Muslim women *were* improved through Qur'anic legislation²⁶, however, the extent of these changes remains to be researched more thoroughly. Furthermore, with the deconstruction of concepts such as 'patriarchy' within feminist studies a more complex picture has emerged of pre-Islamic gender relations. The scanty evidence available, whilst by no means conclusive, indicate an overall improvement in the lives of women in the early Islamic era as opposed to the pre-Islamic *Jahiliyya*.

²⁶ Al-Hibri 1982, Hussain 1984, Stowasser 1984, Ahmed 1992, Mernissi 1992

However, there is also some evidence to suggest that prior to Islam some women had **greater** sexual autonomy in matrilineal and uxorilocal marriages and that they were active participants, even leaders, in a wide range of community activities including warfare and religion (Mernissi 1985, Al-Hibri 1982, Ahmed 1992). The dominant view amongst gender activists is that despite this sparse evidence of matriarchal customs in pre-Islamic Arabia, the likelihood was that during that time there was not a higher status for the majority of women. Stowasser argues that the examples of pre-Islamic women warriors and poets have been taken out of context as erroneously implying women's greater independence and rights in the *Jahiliyya* period (Stowasser 1984). Islam was a religion of the city where the pre-Islamic trend towards urbanisation was crystallised. In contrast to the desert, in the cities women's lives were in many ways more restricted. In short, the majority of pre-Islamic urban women lived in a male dominated society where their status was low and their rights negligible.

According to Stowasser's study, some of the improvements for women under Islam were as follows: Qur'anic injunctions put a stop to female infanticide and gave greater rights to women in marriage and divorce (Stowasser 1984:15-18). The *mahr* (bride-price) was payable to the bride and not her father or guardian as was the custom previously. A restriction was made on the maximum number of wives a man could take (limited to four). Wives were ensured the right to proper maintenance, food and clothing at the husband's expense (*ibid*). Women were guaranteed the right to inherit and bequeath property. Female infanticide was outlawed. However, it should be noted here that modernist gender activists view the Islamist argument that the Qur'anic banning of female infanticide improved the position of women in all respects to be simplistic and inaccurate.

Qur'anic laws did not, however, establish full political, social or economic equality of the sexes²⁷: Qur'anic injunctions stipulate that the testimony of a woman is equal to half that of a man's. In most cases a woman inherits only half the share of a man. With regard to gender relations within the marital relationship, orthodox conservative interpretations emphasise that marriage was instituted as hierarchical and patrilineal. Islamic marriage enjoins women to strict monogamy and within marriage the husband is in charge of the

²⁷ Stowasser 1987:18, Mayer 1991, Ahmed 1992

wife and has full authority over her. Whilst men have been given unilateral powers of divorce, women do not have the same rights or prerogatives.

Gender activists draw largely on the *Hadith* and other biographical literature on Muhammad and his Companions as their main sources when exploring the key moments in the development of marriage within Islam. The early records were mainly written by men, but there were accounts given by women as well. Islamic laws culminated the trend towards patriarchal and patrilineal marriage in Arabia by instituting it as the sole legitimate form of marriage (Ahmed 1992:45). The lives of two of Muhammad's wives, Khadija and A'isha, were premonitions of and reflected the sorts of changes that would later overtake women in Islamic Arabia. Khadija was a wealthy widow, a businesswoman who employed Muhammad and subsequently proposed marriage, and married him. She remained his only wife until her death. Despite the examples in the pre-Islamic era of publicly visible and independently wealthy women such as Khadija, many gender activists argue that these were probably in reality the rare exceptions (Stowasser 1984, Ahmed 1992). In stark contrast autonomy and monogamy were conspicuously absent in the lives of the women the Prophet married after he became the established leader of Islam: thus A'isha, who was born to Muslim parents and married Muhammad when she was nine, soon began to observe the customs of veiling and seclusion along with Muhammad's other co-wives (Abbot 1985).

Apart from the question of whether Islam brought a change from matriliney to patriliney in Arabia, the evidence does reveal a variety of marriage practices were common in Arabia prior to Islam and post. From the different types of marriage described by A'isha for the *Jahiliyya* period two were polyandrous and involved visiting relationships (Ahmed²⁸ 1992:44). Divorce could be initiated by both parties and there was no 'waiting period' for women before remarriage - *idda* which was instituted by Islam. Ahmed argues that from the very beginning the institution of a type of marriage which recognised paternity was an important part of the message of Islam. The pledge of a Muslim included the clause to refrain from *zina* (translated as fornication or adultery). It is not clear in the context of a society where several types of unions were seen as legitimate, however, precisely what

²⁸ Ahmed quotes from *The Translation of the Meanings of Sahih al-Bukhari*, translated by Muhammad M Khan, Medina: *Dar al-Fikr*, 1981

zina actually was (Ahmed 1992:44). When first used in Islam the term might have meant sexual intercourse in all unions outside the patriarchal one instituted by Islam. Thus *zina* could in fact have referred to other types of marriage, including polyandrous ones and temporary marriages, which became outlawed in Sunni Islam.

Gender activists stress the fact that a woman - the Prophet's wife Khadija - was the very first convert to the new religion of Islam. In fact, there were also many other women were among the first converts. Following the death of Khadija, the subsequent marriages of the Prophet to widows and divorcees demonstrates that there was no emphasis placed in Islam on the need to marry virgins, and further shows that widows were apparently free to dispose of themselves in marriage without consulting any guardians (Afshar 1994). Gender activists stress this point in order to show that the obsession with virginity that is displayed in many Muslim societies today is not really an 'Islamic' practice at all. Following the great Muslim migration to Medina in 622 AD many women, including the Prophet's wives, were actively involved in a wide range of community affairs (Stowasser 1984, Mernissi 1991, Ahmed 1992). This included warfare: again their roles were not limited to simply nursing the wounded, but several women were actually renowned as good warriors as well²⁹. During these early years of Islam many women accepted the new religion and joined the community of believers without the consent of their husbands, some even making the *hijra* on their own. However, women were subsequently at a later stage forbidden by the *Ulema* from travelling alone without a husband or male guardian.

Contemporary conservative authorities who argue for segregation and the seclusion of women from public affairs have as their principle aim the preservation of 'the traditional order of Islam'. The fact that such a sanction is founded on shaky grounds is not lost on more progressive thinkers who have striven to modernise the Islamic social order from within. They argue that the fault for unjust laws such as women's inequality lies not with God's revelations but with the *Ulema's* interpretations of them, in conjunction with contrived and inauthentic traditions. Thus modernist gender activists argue that whilst modesty is enjoined on both men and women, the specific injunctions on seclusion and veiling were directed towards the wives of the Prophet alone - this despite the fact that the Islamic texts speak interchangeably of veiling and seclusion. Stowasser writes that the

²⁹ Renowned women warriors include Umm Umarah and the Prophet's aunt Safiya (Minai 1981)

Qur'an is free of any clear or specific legislative detail as to whether all Muslim women should keep seclusion in their houses or veil their faces (Stowasser 1984:25). However, both these practices were legitimated by exegetes who interpreted vague and general Islamic provisions as sanctioning these practices. Gender activists point out that the Qur'an makes a clear distinction between the Prophet's wives and other believing women³⁰: she "*took the veil*" is used in the *Hadith* to literally to mean "became the wife of the Prophet" (Ahmed 1992:55). The lives of Muhammad's wives became circumscribed by the newly imposed injunctions on veiling and seclusion. Mernissi argues that the Companions of the Prophet urged seclusion for his wives in order to prevent them being molested on the streets by the non-believers (Mernissi 1991:178). The sociological approach taken by many gender activists argue that veiling was already practised by the upper-classes of Jews and Persians and was copied by the Muslims as an attempt to increase the power and status of the Prophet and the Muslim community: "By instituting seclusion the Prophet was creating a distance between his wives and the thronging community at his doorstep as befitted a new and powerful leader"(Ahmed 1992:55).

Whilst they stress that the *Hadith* are ambiguous sources of information on early Islamic practices, gender activists nevertheless use the *Hadith* as the important primary source for their arguments. They argue that the *Hadith* indicate that women used to pray with men in the mosques, they visited mosques even at night and acted as prayer leaders³¹. *Hadith* show that Muhammad assumed women's right to speak out and spent time in instructing them on the Qur'an. Evidence from biographical accounts of the *Sahabiya* (female Companions of the Prophet) show that women enjoyed the right to enter into the councils of the Muslim community, to speak freely to the Prophet-leader, to dispute with the men, and to be involved in the management of military and political affairs (Mernissi 1991:viii). In response to a query to the Prophet by one of his wives as to why women were not addressed in the Qur'an, the Verses specifically addressing women were revealed³². The gender activist discourse argues that following the death of the Prophet the harsh disapproval of the *Ulema* eventually caused women to disappear completely from public prayer. In their arguments against female seclusion, modernist gender activists argue that

³⁰ O Consorts of the Prophet! You are not like any of the (other women): If you do fear (God) be not too complacent of speech lest one is whose heart is a disease should be moved with desire: but speak ye a speech (that is) just (Verse 33:34).

³¹ The Prophet is said to have appointed a woman; Umm Waraqah to lead a mixed congregation in prayer (Minai 1981:16).

³² see section 3.1 *ante*.

it is evident that in the Prophet's era men and women met each other and greeted each other. Stowasser, from her study of the well-known and respected *Hadith* collections such as Bukhari and Muslim, argues that "even in the homes there was ample social contact between the sexes" (Stowasser 1987:36). Men and women knew each other personally even if they were not closely related. There are reports on women acting as hostesses to their husband's guests. The Prophet spoke freely to and proposed personally to his wives Zaynab and Umm Salama.

Gender activists today exhibit an awareness that Islam in the Prophet's era did not establish 'sexual equality' in any way comparable to modern ideals and standards. Ahmed writes that her study reveals the participation and independence of women in the society in which Islam arose and the diminution of these liberties as Islam became established (Ahmed 1992). By transferring the rights to women's sexuality and their offspring from the woman and her tribe to men and then basing the new definition of marriage on the proprietary male right, Islam placed the relations between the sexes on a new footing. Thus in a way the ground was laid for the closures that would follow: women's exclusion from social activities, their physical seclusion and the resulting restriction of their lives - similar to the practices of the rest of the Mediterranean Middle-East. Muslim gender activists in reclaiming the past argue that following the death of the Prophet Islam was interpreted and implemented as being more restrictive towards women. The selective sanctioning of some pre-*Jahiliyya* customs by Islam consolidated the trend towards patriliney.

The laws regulating marriage and women's conduct adopted by later Islamic societies represent their interpretations of the Qur'anic Verses and the legal significance of the *Sunnah* and *Hadith*. These sources were used by the early believers to accommodate the enormous rate of political, economic and social change that occurred in the first centuries. The Qur'an, the ultimate authority, was regarded by Muslims as a closed book after the death of the Prophet³³. Innovation and change was accommodated through *tafsir* (Qur'anic exegesis) by the scholars. In order to illustrate the changes in interpretation of certain Qur'anic Verses Stowasser looks at how the notorious Verse 4:34, used for

³³ The Qur'an was initially transmitted orally, and the totality of the revelation was actually gathered together into one single compilation many years after the Prophet's death under the third Caliph Uthman.

centuries to justify men's dominant position over women, has been interpreted during Muslim history (Stowasser 1984:25-28). The Verse and its common English translation are:

*“Al-rijaalu qawwamuna ‘ala al-nisaa'i bimaa fadhala allahu ba'dhahum
'ala ba'dhihim wa bimaa anfaqu min amwaalihim. ...”*

*“Men are the managers of the affairs of women for that God
has preferred in bounty one of them over another and for that
they have expended of their property. ...”*

(Qu'ran 4:34)

Al-Tabari in 923 AD interpreted this Verse as implying that men had authority over women in the family setting since it was the men who were under obligation to provide for their women by way of material support. Some 350 years later Al-Baydawi gave an interpretation of the same Verse that provided generally applicable restrictive detail and sanctioned the view of women as creatures incapable of and unfit for public duties. Later commentators not only accepted Baydawi's interpretation but also further categorised and hardened the restrictive detail provided by his exegeses, and thereby excluded women from public office and leadership positions. Stowasser writes that the process of ever increasing exclusion of women from all public concerns and the law of the veil are both traceable through comparative study of the Qur'an commentaries.

In modern times Verse 4:34 has constantly proved to be a stumbling block preventing a more liberal and gender egalitarian interpretation of the Qur'an. Reformers have remarked that this Verse has been so misread and misinterpreted that it has given men virtual control over women's lives. Scholars such as Ashgar Ali Engineer³⁴ and Riffat Hassan support a new translation of the word *qawwamun* (Engineer 1992, Hassan 1988). The singular form of the word, *qawwam*, has traditionally generally been translated as lord, master, ruler, governor. All of these meanings imply a hierarchical relationship. However, the new interpretations insist that the word *qawwam* literally means “one who looks after” or “one

³⁴ Ashgar Ali Engineer is the Director of the Institute of Islamic Studies, Bombay. He gives a liberal/modernist interpretation of the Qur'an and argues that Islamists have misunderstood and misinterpreted the Qur'anic message on gender relations.

who takes care of'. Thus on this basis a radical new interpretation of the Verse has been achieved by translating the word as "breadwinner", thereby implying an economic term. Furthermore the word *ba'ad* in the Verse, it is argued, does not mean "one" but "some". According to Hassan the Verse therefore implies that during the time when women are undergoing the process of childbearing they should not have the obligation of being the breadwinners (Hassan 1988). Engineer argues that the statement that "men are *qawwam*" is a contextual one reflecting the social situation in Arabia in the 6th Century. It should not be taken in the normative sense that men are always and should forever be *qawwam* over women (Engineer 1992:46). He also writes that "the meaning of Qur'anic Verses unfolds with time and what the Verses meant to an Islamic scholar in the medieval period may be quite different from the meaning conveyed to a scholar in modern conditions" (Engineer 1992:46). Religious scripture, he argues, often uses symbolic language which has many layers of meaning.

3.4 Gender Activists and the *Hadith*

Following Muhammad's death in 632 AD, his words and actions achieved even greater paramount importance as representing the normative ideals for Muslims in their everyday lives. The Prophet's wives (especially A'isha) were consulted on the *Sunnah* and *Hadith* and they gave decisions on sacred law (Abbot 1985, Ahmed 1992). Thus early Islam had no difficulties in accepting the views and thoughts of women in such important religious matters. It was during the second Caliph Umar's reign (634-644 AD) that many of the major institutions of Islam originated, for Umar promulgated a series of religious, civil and penal ordinances. Most gender activists see Umar's reign as the beginning of the decline in women's status and freedoms. They argue that although he is considered by Muslims to be an extremely just Caliph, Umar was harsh towards women both in his private and public life (Stowasser 1984, Mernissi 1991, Ahmed 1992). He is reported to have been ill-tempered with his wives, sometimes even allegedly physically assaulting them (Mernissi³⁵ 1991:142). He sought to confine women to their homes and ban them from attending prayers at the mosque but, unsuccessful in this, he then instituted segregated prayers and appointed a male *imam* for women - another departure from precedent. Umar also

³⁵ Mernissi refers to Tabari, *Tarikh*, vol. 5, p.27

prohibited the wives of the Prophet from going on pilgrimage. Conservative Muslims counter these accusations by claiming that whatever rulings Umar enforced were in order that the wives of the Prophet should follow all the norms of propriety in order to safeguard their special status. In Ahmed's view the purported silence of women in the face of all these restrictions indicates that the guardians of Islam erased any female rebellion from the pages of history (Ahmed 1992:61).

The third Caliph after the Prophet, Uthman, revoked some of Umar's restrictions on women (e.g. prevention of performing the *Hajj* or praying at the mosque). However, these revocations only briefly stemmed the tide which was moving in the direction of increasing in-egalitarianism. Many gender activist writers have singled out A'isha's role in politics after the assassination of Uthman as proof of women's active involvement in politics and leadership roles in early Islam. The assassination of Uthman pitched the Muslim community into turmoil. 'Ali (the Prophet's son-in-law), chosen as the fourth Caliph in the middle of the civil war, never really had complete power. It was against him that A'isha took up arms at the Battle of the Camel. It was during this early period that the *Sunnah* was adjusted by the addition of normative details to fit the needs of each new generation. In order to protect themselves against civil war the Muslims plunged into a systematic collection of *Hadith* (Mernissi 1991).

In the classical compilation of *Hadith* each generation of experts had to personally collect the testimony of those who had heard the *Hadith* directly spoken by the Prophet (i.e. his Companions), or to collect the indirect testimony of those who had followed the Companions. A Companion might have been a man or a woman, a prominent person or a slave. The important points were the person's proximity to the Prophet, his or her personal qualities, and especially the reputation for having a good memory and not simply the ability to recount something. This was the reason for the importance attached to the immediate entourage of the Prophet as sources of *Hadith*: his wives, his relatives, his scribes. In theory the believing Muslim has the right to have all the pertinent information about the source of a particular *Hadith* and the chain of its transmission, so that he or she can continually judge whether it is worthy of credence or not.

However, there was an uncontrolled proliferation of alleged *Hadith* during the early period following the Prophet's death and the question of their authenticity arose. Scholars are in agreement that this period saw an increase in false and fabricated *Hadith*. Consequently expurgated editions of *Hadith* and biographic dictionaries were developed by scholars to attest to the credibility of and to ensure the transmission of authentic and 'sound' *Hadith*³⁶. For the more rigorous and scholarly jurists it was imperative that for each and every *Hadith* the identity of the Companion of the Prophet who had uttered the saying, in what circumstances and with what objectives in mind, as well as the chain of people who had passed it down, all had to be thoroughly checked as far as was possible before a *Hadith* was declared as being *sahih* or 'authentic'. Following this fastidious and painstaking process of selection, verification and counter-verification the authentic *Hadith* were then separated and compiled in several scholarly works. Despite this process of compilation, due to the possibility of fabrication the *Hadith* has always remained an ambiguous source for Islamic legislation.

The *Hadith* played an important role in circumscribing women's lives. Gender activists look at the *Hadith* and attempt to point out the human input into *Hadith* which might explain the tradition of misogyny within them. Detailed study of the *Hadith* show that they reflect and represent both the actual way of life of the first generation of Muslims and the nostalgic reinterpretation and idealisation of the early beginnings by later generations (Stowasser 1984, Mernissi 1991). The *Hadith* are also indicators of later changes and developments since they were expounded by people at various times following the death of the Prophet. The *Hadith* entail much varied and contradictory information about the society they describe. The nature of women as reflected in the *Hadith* spans the spectrum from saintly to the unclean (Stowasser 1984). Women were described as the spiritual equals of men and they built mosques and acted as prayer leaders. On the other hand, they were also seen as evil temptresses and being intellectually weaker could not aspire to be rulers or leaders. When looking at the *Hadith* as a record of the changing status of women it is clear that the later the source (or the *rawi*) the more abundant, detailed, and normative-restrictive the information on women which it contains.

³⁶ The most highly respected *Hadith* compilations include amongst them al-Bukhari, Muslim, Tirmidi and Abu Daud

It is with regard to women's abilities to be political leaders that Mernissi has recently contributed to the gender activist discourse³⁷. She is a gender activist well known in the Arab world who seeks to pass on a feminist message by attempting to get together with the progressive faction of the clergy and women believers; thus purporting to show a double concern in solidarity for the masses and confrontation of the Islamists on their own terrain. Mernissi by launching a historical and theological enquiry into the condition of women at the dawn of Islam tries to show that several of the misogynistic sayings attributed to the Prophet are in fact inauthentic (Mernissi 1991). Nawal El-Sa'adawi of Egypt followed the opposite direction and this took her from a critique of the 'orthodox, traditional' interpretation of the Qur'an to an essentially secular human rights approach.

In *Women and Islam, A Historical and Theological Enquiry*³⁸ Mernissi is intent on proving that:

“We Muslim women can walk into the modern world with pride, knowing that the quest for dignity, democracy and human rights, for full participation in the political and social affairs of our country, stems from no imported Western values, but is a true part of the Muslim tradition” (Mernissi 1991: viii)

Mernissi addresses the question whether Islam is opposed to women's rights. She writes that Islam alone is condemned by many Westerners as blocking the way to women's rights. However, neither Judaism nor Christianity played an important role in promoting the equality of the sexes, yet millions of Jewish and Christian women enjoy a dual privilege: full human rights on the one hand and access to an inspirational religious tradition on the other (Mernissi 1991: vii). She argues that the religion of Islam is no more repressive than Judaism or Christianity, yet there are conservative political regimes and Islamist groups who have a vested interest in blocking women's rights in Muslim societies.

The central question Mernissi poses is can a woman be a leader of Muslims? Can a woman be the head of state? She then examines misogynistic *Hadith* which have been used throughout the centuries to justify discrimination against women in politics. In order

³⁷ Mernissi, a renowned Moroccan feminist/sociologist, well known for her earlier work *Beyond the Veil* (a radical secular feminist critique of Islam) has traversed the road from sociology of sex roles to historic excavations of Muslim women rulers and theologians

³⁸ First published in French in 1987, this important book was translated by Mary Jo Lakeland and published in English in 1991.

to look at the credibility of misogynistic *Hadith* Mernissi studies the religious texts and the biographical accounts of the *Sahabiya*. In particular Mernissi cites the following notorious *Hadith*:

“*Lan yufli-ha qaumun wa lau amraham imra 'than*”

“*Those who entrust their affairs to a woman will never know prosperity*”

(Bukhari, *Sahih*, vol.5, no. 709)

Similar to many gender activists Mernissi does not wish to make a complete break with religion nor the religious establishment and wishes to avoid the potential criticism of being Westernised. Thus to gain greater legitimacy within the Muslim populace and religious establishment, she uses the classical methods of textual criticism and rigorous examination of the *Hadith* material. She attempts to portray that a proper and rigorous application of the classical methods can show us the ‘true’ and the ‘false’ *Hadith*.

The *Hadith* “*Those who entrust their affairs to a woman will never know prosperity*” has been classified as an authentic tradition by the scholar Al-Bukhari, whose work has been one of the most highly respected references for twelve centuries. This *Hadith* is so important that it is virtually impossible to discuss the question of women’s political rights in Islam without debating it and taking a position on it (Mernissi 1991:4). Several conservative authorities and Islamists have used this *Hadith* to legitimate women’s exclusion from public office (*ibid*). Mernissi writes that not only have the sacred texts been manipulated but that their manipulation is a structural characteristic of the practice of power in Muslim societies: the manipulation of the texts allowed women to be excluded from public life and relegated to the household. Mernissi attempts to show that once the ‘truth’ is revealed using the authentic *Hadith* and the ‘correct’ interpretations of Qur’anic verses, this would not restrict women’s lives, autonomy or freedom.

Since the above *Hadith* was included amongst the thousands of authentic *Hadith* compiled by the meticulous Al-Bukhari it has, *a priori*, been considered true and unassailable without proof to the contrary. Mernissi, however, insists on making a double investigation. Abu Bakra, a Companion of the Prophet, reports that this *Hadith* was

apparently spoken by the Prophet upon learning that the Persians had named a women to rule over them (Mernissi 1991:49). In looking in greater depth at the occasion on which Abu Bakra recalled these words and why he might have felt the need to recount them, Mernissi discovers that Abu Bakra related the saying some 25 years after the death of the Prophet. Moreover the specific occasion that Abu Bakra narrated the *Hadith* was after the Caliph 'Ali retook Basra having defeated 'A'isha at the Battle of the Camel. Mernissi looks at Abu Bakra's life and the dilemma faced by him with the onset of the civil war and concludes that personal motives, as detailed below, might well have contributed to this utterance of a probably false *Hadith*.

Abu Bakra was a person whose paternity was difficult to trace. Not having an illustrious genealogy meant that his social position in tribal and aristocratic Arabia was very low. Abu Bakra thus owed much of his good fortune to Islam since following the Prophet's conquest of his city Ta'if in 630 A.D, his status changed overnight from that of a slave to a free person (Mernissi 1991:51). Abu Bakra was thus a man to whom Islam had given not only fortune and prestige but also, more importantly, an identity. With such a background, Mernissi writes, it is understandable that a civil war that could undermine the establishing of Muslim society would have been viewed very negatively by him (*ibid*:53). At the onset of the civil war and before besieging Basra A'isha sent letters to all the notables of the city explaining the reasons as to why she felt compelled to rebel against 'Ali, and asking for their support. The decision amongst Muslims not to participate in the civil war was not an exceptional one. However, Abu Bakra was the only one who justified his decision to remain neutral by stating, notably after A'isha was politically wiped out and he was in no danger from her anger, the *Hadith* above and that one of the parties was a woman (Mernissi 1991:58).

The respected *Imams* who formulated the Sunni schools of law reject people who tell lies in their daily personal relationships as narrators of authentic *Hadith*. Mernissi writes:

“If we apply this rule to Abu Bakra, he would have to be immediately eliminated, since one of the biographies of him tells us that he was convicted of and flogged for false testimony by the Caliph Umar Ibn al-Khattab” (Mernissi 1991:60)

In these circumstances Mernissi rejects the historically accepted view that the above *Hadith* is authentic. The Prophet's favourite wife A'isha is also recorded as having refuted several such misogynistic *Hadith*. Mernissi advises redoubled vigilance against the simple unquestioned acceptance of the purportedly authentic religious interpretations (Mernissi 1991:61). She states that grave historical consequences can result from the manipulation of sacred knowledge. Gender activists argue that more attention needs to be paid to the actual content of the *Hadith* rather than simply its chain of transmission: in particular, it is important to see whether the content of the *Hadith* fits into the spirit of Islam and the example of the Prophet's life.

On another occasion, Mernissi has looked more specifically at the relevance of modern political systems in Muslim countries and the compatibility of Islam and democracy (Mernissi 1993). She argues against certain conservative and Islamist arguments that Islam and democracy are incompatible. Oppressive regimes in the Arab world have often identified democracy as a Western malady in order to justify their dictatorial policies (Mayer 1991, Mernissi 1993:15). Mernissi looks at the historical evolution of intellectual and political ideas within Islam and finds that the rationalist tradition of freethinkers who espoused certain ideals and values similar to 'participatory democracy' have been repressed by authoritarian dynastic regimes (Mernissi 1993:26). With the death of the Prophet in 632 AD the problem of succession arose; it was necessary to replace the Prophet in both his political and legislative role. As an attempt to solve to the first problem, Muslim experts developed the political theory of the Caliphate and elaborated the qualifications that were necessary to be the chief of the Muslim State and successor to the Prophet. The election of the first four Caliphs illustrates certain ideas of 'participatory democracy' in early Islam. Mernissi writes that after the assassination of the fourth Caliph 'Ali Islam, which had sought to avoid the system of tribal aristocracy, fell back into that very pattern of dynasty; except this time on the scale of empire (Mernissi 1993).

A major analytical problem faces the modernist gender activist. If debates about the institutions and structures of Muslim society are framed within Western notions of equality, individualism and freedom the absence of equivalent concepts may lead to the misleading conclusion that 'democracy' and 'Islam' are incompatible or that 'sexual equality' within Islam is impossible (Watson 1994:155). Due to this analytical problem

Critics of the gender activist position use such arguments and point out that the Islamists are more rational in their approach than modernist feminists who try to wed European ideals and Islam (Hijab 1988). Evidently many of the modernist gender activists are actually starting from a human rights perspective and drawing on the Western liberal tradition. However, it is my view in agreement with many other writers such as An-Naim that concepts of 'equality' and 'human rights' are themselves complex and ambivalent notions that give rise to ideas that are in conflict to each other. It has been argued that the notion of human rights is essentially based on the secular law of contract premised on the absence of God, and thus not compatible with religion which implies hierarchy. However, in their origins these ideas of human rights were themselves closely related to Christian notions³⁹. Whilst it is important to focus on indigenous representations and ideas of equality and complementarity, in my view the act of reinterpretation by Muslim gender activists is more than a mere apologetic to the West. It is part of the dynamism (and durability) of the major world religions that they provide a vast source of values and ethical propositions into which a variety of interpretations can be read. To brandish innovative reinterpretations as either irrational or heretical essentially reflects the views of some secular feminists, conservative Muslims and Islamists that Islam is monolithic, static and unchanging. On the other hand, the strict codification of laws and regulation of life which has been essential to the resistance of Islam to secularisation may prove a barrier to a new radical reinterpretation of its core precepts.

³⁹ Throughout the centuries there has been a close connection between the idea of "natural law" and the idea of the natural rights of man. These ideas were found in the works of the ancient Greeks and Romans and in the teachings of early Christianity, St Thomas Aquinas and medieval English Scholars of law.

***Shari'ah* Law and Women's Quest for Autonomy**

Law occupies a very special privileged place within the Islamic heritage. As one of the most important disciplines within this heritage, jurisprudence has dominated Islamic scholarship to the point that most Muslims cannot conceive of being Muslim without adhering to Islamic laws. Despite the different forms which adherence to Islamic law has taken historically, in recent years the ideal of a unitary *Shari'ah* law has come to provide a supreme validating and legitimating device. The reinstatement of the *Shari'ah* is one of the primary goals of Islamist groups in the present day Muslim world. Muslim states too appear to have taken advantage of Islamic law as a means of political validation, as evidenced by the manipulation of Islamic law by several political leaders and regimes - these include Pakistan under Zia, Iran following the revolution and Sudan under Numeiri. Since the implementation of *Shari'ah* law has enormous implications for gender relations it is a major issue for gender activists.

There is little doubt that in the past the *Shari'ah* played a pivotal role in bringing together diverse groups of Muslims in a single legal-religious framework. Today, most Muslim communities have specific laws allegedly transposed from the *Shari'ah*. These laws which are decidedly patriarchal in character have often been greatly influenced by misogynistic customary practice. The increasing influence of Islamists over the evolution and application of such laws is greatly affecting women's lives and their legal rights (Helie-Lucas 1993:207). Codified law is only one of the means through which society imposes external controls on individuals and structures. However, internalised laws not requiring external enforcement are often greater obstacles to women's autonomy than formal legislation (Shaheed 1994). Few Muslim countries have passed laws to debar women from

specific occupations, to limit their physical mobility, to restrict their political participation or to prescribe a particular dress code. Notwithstanding this, however, in all of these aspects women's lives continue to be circumscribed by internalised social codes. Gender activists working within the Islamic framework are striving for reform in the pronounced patriarchal character of Islamic law. They argue that by disregarding the secondary material of Qur'anic exegesis and returning to a fresh interpretation of the Holy Book, and by taking a critical look at *Hadith* and engaging in *ijtihad* (independent legal reasoning), then modern Islamic authorities can arrive at a more gender egalitarian position⁴⁰.

4.1 The Development of the *Shari'ah*

Although it has undergone some reform in modern times, classical *Shari'ah* law continues to have great influence over the lives of many Muslims world-wide. Deification of the *Shari'ah* as transcendent and eternal has rendered it beyond challenge for the average Muslim. However, Islamic law as we know it now has a temporal aspect in that it is the product of many centuries of juristic interpretation. In the first few centuries of Islam the developing law evolved in response to changing social conditions. However, subsequently law in classical Islamic theory came to be seen as the revealed will of God, a divinely ordained system controlling society from above. There was thus no notion of law itself evolving as a historical phenomenon closely tied with the progress of society (Coulson 1964:85).

In order to look at the historical evolution of the *Shari'ah* one has to go back to Prophet Muhammad's era in 7th Century Arabia. Muhammad was regarded as an arbiter of community affairs and was asked to give rulings, orders and injunctions on a myriad of different matters which, if were not adequately resolved to the satisfaction of all the parties, had the potential for causing discord. Therefore as well as making pronouncements on ritual activity, Muhammad also established ordered methods of taxation, marriage, divorce, commerce, treaties of war and peace. Different pronouncements were made on a topic depending on the circumstances upon which Muhammad was called upon to give his judgement (Mueller 1985:225). Thus, as gender activists emphasise, the example of the Prophet's life and the Qur'anic injunctions did not

⁴⁰ Al-Hibri 1982, Hussain 1984, Stowasser 1987, Ahmed 1992, Mermisi 1992.

establish all pervasive rigid legal codes: they were essentially *ad hoc* rulings. Moreover many important political and social issues never arose in the Prophet's lifetime. After the death of the Prophet his first four successors, the pious Caliphs, carried on the tradition of flexibility established by Muhammad. During this period one finds statements by these leaders that have no precedent in the Prophet's career or even some which refine his practice markedly (Coulson 1964:26). Though Muhammad had laid down the law the successors felt fully able to interpret, adapt, and even supersede them in an effort to make sure that what they perceived to be the original intent of the Qur'an was followed. During this time the *Shari'ah* retained its original *ad hoc* nature, whereby the merits of each case were adjudged in the light of general principles.

The structure of Islamic law as we now know it took shape during the formative phase of the Islamic civilisation, beginning with the Umayyad dynasty (661-750 AD) and then the early part of the Abbassid era (750-1258 AD). Under the Umayyad State the laws grew more rigid as they were employed by rulers as a theoretical justification for state control. After the first four pious Caliphs, the leaders of the Islamic Empire lost their religious aura and the *Ulema* came to represent the spiritual dimension of Islamic rule. The *Ulema* were essentially scholars with no formal connections to the ruling apparatus and who derived their authority from their religious knowledge alone.

According to the classical theory, in elaborating the law the jurists were guided by two sacred sources: the divine revelations compiled in the form of the Qur'an; and the precedents of the Prophet in the form of the *Sunnah* and *Hadith*. For the Sunni School four basic principles represented the correlated manifestations of God's will, known as the roots of jurisprudence or the *usul al-fiqh*. These were: firstly, the word of God Himself in the Qur'an; secondly, the divinely inspired conduct or *Sunnah* of the Prophet; thirdly, reasoning by analogy or *qiyas*; and, fourthly, the consensus of opinion of learned scholars or *ijma'*. The classical account holds that the function of the *Sunnah* was merely to provide explanation or elaboration of the specific rules, principles and teachings of the Qur'an and, therefore, the *Sunnah* could not abrogate the Qur'an. However, despite this theoretical primacy of the Qur'an, in practice the *Sunnah* appears to have taken a more dominant position (Coulson 1964:76).

The course which *ijtihad* or independent legal reasoning must follow is clearly defined. The *mujtahid* (or person exercising *ijtihad*) should seek the solution of legal problems in the specific terms of the Qur'an and the *Sunnah* apply the accepted canons of interpretation. *Ijma'* in the classical theory was the agreement of the qualified legal scholars in a given generation and such consensus of opinion was deemed infallible. Theoretically the *ijma'* of a given generation should not have hindered the exercise of *ijtihad* by later scholars. However, despite the theoretical flexibility offered by the juridical tools many structures restricted the actual practice and change in pre-modern *Shari'ah* law. Once formed the *ijma'* came to be seen as infallible; to contradict it was near to heresy and the possibility of its repeal by a similar *ijma'* of a later generation, though admitted in theory, became highly unlikely in practice (Coulson 1964:80)⁴¹. Thus, the traditional account postulates, by the beginning of the 10th Century the doors of *ijtihad* were declared to be closed. The consensus of the jurists was that the law had reached its perfection, since all that could be deduced from the Qur'an and *Sunnah* of the Prophet had already been worked out. *Ijma'* set the final seal upon the process of increasing rigidity in the law and *taqlid* or imitation replaced independent reasoning⁴². Circumscribed and fettered by the principle of *taqlid*, jurisprudential activities subsequently became confined to the elaboration and detailed analysis of established rules. The *Shari'ah*, it is argued, became stilted, stultified, moribund and rigid.

Without doubt the actual process of the elaboration of the law was far more dynamic and complex than the classical account acknowledges (Coulson 1964, Mir-Hosseini 1993). The bulk of the law originated from customary practice and reasoning by scholars. Riffat Hassan argues that the concept of the closing of the gates of *ijtihad* is purely fictitious, suggested partly by the crystallisation of legal thought in Islam and partly by intellectual laziness (Hassan 1993). Despite its doctrinal immutability the *Shari'ah* not only accommodated prevailing customs but developed legal devices for adapting itself to personal needs and circumstances. However, although new and original thoughts were developed over the centuries these were abstract and on the whole did not affect the established decisions of positive law. The *Shari'ah* remained at the level of theoretical abstraction that grew more and more out of touch with the developments of state and

⁴¹ This was based on a *Hadith* of the Prophet; "My community will never agree upon an error".

⁴² In contrast to Sunni law in Shi'a law only the *ijma'* of the Prophet's family (*ahl-al bayt*) is accepted. The Shi'a emphasis on *ijtihad* has meant greater scope within Shi'ism for innovation and change.

society (Coulson 1964:85). The elaboration of the law is seen by Islamic orthodoxy as a process of scholastic endeavour completely independent of historical or sociological influences. Popular Islamism too continues to disguise the important human contribution to the development of the *Shari'ah* and so perpetuates the idealised vision of the *Shari'ah* as divine and revealed intact.

Many schools of thought were established in early Islam but only a few survived into the modern era⁴³. I do not propose to examine in detail the variations and differences between the schools; nevertheless, it should be pointed out that these differences still continue to be of enormous consequence for women's freedom and autonomy. The juristic elaboration of the *Shari'ah*, like so many laws formulated in the pre-modern era and associated with societies where traditional patriarchal family structures prevailed, treated women as needing male tutelage and control. Mayer has elaborated on the many disabilities imposed on women by the pre-modern *Shari'ah* from a human rights point of view. She argues that women were put into a distinctively subordinate role vis-à-vis men within the family (Mayer 1991:111). In the pre-modern classical *Shari'ah* law child marriages were permitted and, in practice, this effectively meant that girls of a young age could be married off against their will by their male guardians (*ibid*). Men had greater rights in marriage reflected in their rights to polygamy and unilateral divorce. In the scheme of inheritance, blood money and legal testimony a woman's worth was equated to be half that of a man's.

4.2 Challenging the *Shari'ah* and the Primacy of the Law

The emerging Muslim gender activist discourse argues that the historical evolution of the *Shari'ah* and the considerable human input that went into it is often ignored by Islamists and conservative authorities. The activists point out that in conceptualising Islam and its institutions the conservatives often overlook Islam's tentative beginnings and, instead, simply see it as having emerged intact in the form by which it is now characterised. Riffat Hassan argues that:

⁴³ Four schools established themselves among the Sunnis: Hanafi, Hanbali, Maliki and Shafi. Two schools dominate the Shi'a; the Imami and the Zaydi.

“the assertion that one is Muslim only if one accepts the *Shari'ah* as binding upon oneself, and, further that the *Shari'ah* is divine, transcendent and eternal can be seriously (and in my opinion should be) questioned” (Hassan 1993:8).

She points out that the Qur'an, the *Sunnah* and *Hadith*, *fiqh* and the various schools of law, and customs and traditions - all parts of the 'sources' of the *Shari'ah* - do not form a coherent homogenous body of knowledge (*ibid*). The average Muslim still remains unaware of the sociological process by which the 'divine' *Shari'ah* came to be codified. For Hassan, being a Muslim is essentially dependent upon the belief in Allah (God) as creator and sustainer and the prophecy of Muhammad. This, however, is not identical to the assertion of accepting the *Shari'ah* as binding on oneself.

Gender activists are looking at the complex history of ideas evident in Islamic history. They attempt to show that the actual reality of the interpretation of the religious message and the attitudes towards *Shari'ah* law has varied widely between different groups and sects. Ahmed argues that from the very beginning there has been a debate as to the correct interpretation of the Prophet's message (Ahmed 1992:66). Furthermore some movements contested the primacy given to the law by 'orthodox' Islam. Historical research shows that parallel with the crystallisation of state-sponsored 'orthodoxy', numerous movements appeared in opposition to the state. These movements adopted alternative religious views that were (naturally) labelled 'unorthodox'. Amongst these there were those who emphasised the ethical, egalitarian voice and insisted that hierarchical regulations and prescriptions (which became inscribed into the *Shari'ah*) were only an ephemeral aspect of religion relevant to a particular society at a particular moment of history. Ahmed argues that throughout history it was not the people with the egalitarian views who have held power (Ahmed 1992:67). Religion has been interpreted as intending to institute andocentric laws and an andocentric vision in Muslim societies. The bulk of the accepted *Shari'ah* law became established in the Abbassid era and, interestingly, it was during this era that laws which were more restrictive towards women than had existed in Arabia at the birth of Islam were developed. Therefore, as several gender activists have argued, the social context in which the textual edifice of the *Shari'ah* and *fiqh* was created happened to be highly negative for women.

Modernist gender activists emphasise that the more egalitarian interpretations of the *Shari'ah* were not simply the result of a different understanding of particular words but, in fact, followed a more radical supra-textual sense of how to 'read' the Qur'an and *Sunnah*. Therefore a radically different interpretation of religion to 'orthodox' legalistic Islam was evident amongst the Sufis, Kharijites and Qarmatians⁴⁴. These groups put greater emphasis on the egalitarian aspects of Islam. They opposed the politics, religion and culture of the dominant society. Their ideas represented a different understanding of the social aspects of religion and this was directly relevant to women.

In their endeavour to show the diversity within early Islam several authors have picked out the Kharijite sect specially as an example of a relatively gender egalitarian social organisation⁴⁵. The Kharijites were one of the rebel sects that broke away from mainstream Islam in the 7th Century due to political reasons. Mernissi writes that pre-modern concepts of democracy were evident in the Kharijite society, in that they contended that successors of the Prophet should be elected by the community⁴⁶ (Mernissi 1993). In contrast to establishment Islam the Kharijites instituted a holy war (*jihad*) that was a religious duty for women as well as men along with prayer, fasting, pilgrimage and alms-giving (Ahmed 1992:70). Kharijites rejected child marriage and concubinage by arguing that the Prophet was allowed certain privileges which not allowed to the rest of mankind (*ibid*:71). Little is known about the Qarmatians save that they were a dissent movement which banned polygamy and the veil. It is clear, therefore, that matters of emphasis and interpretation of the same words and texts are capable of yielding what are for women, in effect, fundamentally different 'Islams'.

Gender activists argue that Sufism offered women an otherwise impossible chance of an independent, autonomous life free of male control (Ahmed 1992:96). Sufi ideas, implicitly challenged the way establishment Islam conceptualised gender by permitting and encouraging women to give a central place in their lives to their spiritual vocation. From the early days of Islam onwards Sufi mysticism and sainthood were open to men and women without discrimination; whereas the ranks of orthodox Islam were in practise

⁴⁴ Mernissi 1991, Mayer 1991, Ahmed 1992

⁴⁵ Mayer 1991:50, Ahmed 1992:66, Mernissi 1993

⁴⁶ Pre-modern concepts of democracy are also believed to have been evident in mainstream Islam as well before the founding of the Umawi dynasty. The four Guided Caliphs were elected from the community, based on their closeness and affinal links to the Prophet. However, the actual electoral procedure varied between these Caliphs.

closed to women. Tales and legends within the Sufi tradition suggest the rejection of the values of the dominant society with regard to women: women were counted as important contributors to the Sufi tradition and were elected as spiritual leaders. Narratives of the life of Rabia al-Adawiyya, one such important leader, refute the general ideology of male-female interactions as being dependent on sexuality (Smith 1928). Establishment Islam gave precedent to women's obligations to be wives and mothers, whilst Sufism celebrated celibacy and stressed the interaction of men and women in the intellectual and spiritual planes; as opposed to sexuality. The modern day global Islamist movements draw largely on the orthodox legalistic tradition of Islam and generally brand alternative religious practises (such as Sufi practices) as being irrational and superstitious.

The gender activist discourse argues that an alternative reading of gender ideology to the gender inequality enshrined in the *Shari'ah* was also possible; as illustrated by the example of the 'unorthodox' movements. The problem of interpretation meant that some sects understood Muhammad's ethical message as fundamental to his teaching and thus lasting and eternal. Unfortunately for women, state-sponsored orthodox establishment Islam gave paramount importance only to those regulations that the Prophet put into effect which were primarily related to the immediate context. These regulations were elaborated into laws seen as being immutable and sacred. Little heed was given to the egalitarian message and the injunctions decreeing the equal and fair treatment of women. Gender activists argue that if one gave greater heed to the ethical voice of the Qur'an then one day this could result in the elaboration of laws which dealt more equitably with women (Mernissi 1991, Ahmed 1992).

An example of a radical gender-egalitarian reinterpretation of the *Shari'ah* in modern times is found in the case of renowned Sudanese Muslim thinker Mahmoud Muhammad Taha. Taha was an important political activist who founded a movement based on his reinterpretation of Islam. He was executed for his radical ideas by the Islamist President Numeiri. The main theological arguments outlining Taha's thesis (as translated by Professor An-Na'im⁴⁷) can be outlined as follows. He states that according to general Muslim belief Islam - being the final and universal religion - was initially offered in tolerant

⁴⁷ Professor Abdullahi an-Na'im (formerly of Khartoum University Law School) has been a prominent spokesperson for human rights and for the view that Islam, properly understood calls for equal rights for men and women.

and egalitarian terms in Mecca where the Prophet preached equality and individual responsibility between all men and women without distinction on the grounds of race, sex, or social origin (An-Na'im 1987:21). As that message was rejected in the practice and the Prophet and his followers were persecuted and forced to migrate to Medina, some aspects of the message changed in response to the socio-economic and political realities of the time. Thus the migration to Medina signified a shift in the content of the message itself. This shift can be clearly seen by a close examination and comparison of the Qur'anic texts of the Meccan and Medinian stages and is accepted by the orthodox scholars. Historical *Shari'ah* Law was based on the texts of the Medinian stage. Thus some aspects of the earlier level of revelations were subjected to repeal from the legal point of view. Taha's revolutionary new thesis was that this repeal was actually merely a **post-ponement**, and not a final and conclusive repeal (An-Na'im 1987:21). If this premise is accepted, then it would be possible for a whole new era of Islamic jurisprudence to begin. This new interpretation (referred to by Taha as "**the Second Message of Islam**") would allow the development of complete liberty and equality for all human beings regardless of sex, religion or faith. As it now stands historical *Shari'ah* law discriminates not just on the grounds of sex, but also on that of religion.

Taha argued that Islam's original precept is complete equality between men and women as indicated by their equal responsibility before God (An-Na'im 1987:139). Early Islamic legislation, he argued, was a great improvement for women in comparison with their earlier status. However, he writes, the existing dictates of the historical *Shari'ah* with regards to gender are far below Islam's ultimate objective. In a similar fashion he argued against polygamy, divorce, veiling and segregation⁴⁸. Using these examples, Taha attempted to demonstrate the divergence between the primary and subsidiary precepts of Islam: the First Message (which includes the gender hierarchy ingrained in the scriptures) lowered the standards of the Second Message in order to suit the times and serve its society (*i.e.* 7th Century Arabia). The First Message thus takes account of human weaknesses and limited capacities and was undeniably necessary for early Islam. However, it is now time for humanity to implement the Second Message and establish equality of all believers. Taha's thesis argues for the abrogation of some Qur'anic Verses, such an

⁴⁸ Most of what Taha said was in line with Islamic principles as interpreted by Modernist reformers such as Muhammad 'Abduh, Mahmud Shaltut and Muhammad al Ghazali (Gayoom 1995).

abrogation is seen as heresy by conservative scholars⁴⁹. Taha's innovative thesis illustrates the importance of human reasoning in interpreting the Qur'an and its message in contemporary modern society.

Taha's work has achieved world-wide renown and acclaim. His theory of the Second Message is particularly appealing to women, non-Muslims and liberally-educated Muslims. Taha and his followers formed a small community, calling themselves the Republican Party, and sought to apply as far as possible the main tenets of his vision of Islam. In particular the community largely succeeded in applying the principles of equality between men and women without discrimination on the grounds of sex. Women members participated fully in the groups activities and were often leaders of activist groups. The legacy of Taha is best reflected in the moral and intellectual transformation of female Republicans (An-Na'im 1987). He often said that his work was his female disciples. Young, educated women found in his ideas an Islamic answer to their social and spiritual needs.

What is the place of human reasoning in formulating the *Shari'ah* and determining women's position in society? This complex issue of the place of reason and rationality within religion has been debated for centuries by religious scholars. It is in a manner understandable why religious scholars have been wary of giving free reign to human reason: orthodox theologians in Sunni Islam have remained generally suspicious of human reason fearing that it would lead Muslims to stray from the truth of Revelation. Given that the Qur'an is believed to be the direct word of God, the orthodox tradition sees *Shari'ah* law as largely above reason and beyond human control. However, carefully controlled mechanisms for human reasoning and change are permitted through the jurisprudential tools of *ijtihad* and *ijma'*. Although the anti-rationalist tradition has a long history within orthodox Islam, a greater emphasis on rationality has not been entirely absent (Mernissi 1993:26). Gender activists argue that the Abbassids, or Mu'tazila as they were known, who came to power after defeating the Umayyads, insisted on the pre-eminence of reason or *aql* (Mayer 1991:48). Mu'tazila intellectuals found in religious texts everything they needed to bolster the idea of the thinking, responsible individual. Following the

⁴⁹ These scholars argue that the principle of repeal or abrogation (*naskh*) is established in the Qur'an in *Sura AL-Baqara*: "None of Our revelations do we abrogate or cause to be forgotten, but We substitute something better or similar: Knowest thou not that God hath power over all things" (Verse 2:106).

defeat of the Mu'tazila reason, personal opinion and the cult of private initiative came to be condemned as a 'foreign' enterprise by orthodox establishment Islam. Mernissi points out that even today Islamic thinkers who openly espouse the idea of the supremacy of reason over Revelation, argue for gender egalitarianism and call for laws to conform to human notions of justice, are at risk of being branded as heretical by staunch adherents of the view that both Islam and its divine law cannot be evaluated by reference to the tenets of human reason. With this anti-rationalist basis some Islamist regimes, such as revolutionary Iran, Sudan and Pakistan, find it easy to defend their discriminatory policies as being 'Islamic'. By so doing they are able to automatically elevate these policies to the realm of the sacred, incapable of being challenged by the rational mind of the ordinary Muslim. In so emphasising reason and rationality Mernissi implicitly argues that if in the modern context rational thinking was applied, Muslim societies would strive for the 'real' Islamic ideals of gender egalitarianism and democracy.

4.3 The *Shari'ah* and the Modern Nation-State: Family law

With the onset of colonial influence in the 18th Century and the integration of the Islamic lands into the world market, there have been massive social changes in Muslim societies. The encounter with Western imperialism confronted Islam with an entirely different situation. Coulson argues that politically, socially and economically Western civilisation was based on concepts and institutions fundamentally alien to Islamic tradition and Islamic law which expressed that tradition (Coulson 1964:149)⁵⁰. Because of the essential rigidity of the *Shari'ah* and the dominance of the theory of *taqlid*, an apparently irreconcilable conflict was produced between traditional law and the needs of Muslim societies who now aspired to be organised by Western standards and values. In keeping with the secular outlook that was dominant at that time, *Shari'ah* law became subject to reform and amendments in almost every Muslim country in the world. Through a series of legislative reforms the *Shari'ah* was revamped and grafted on to modern legal systems and, at the same time, by using procedural rules the jurisdiction of the *Shari'ah* courts was severely limited. In this way the modern state steadily but firmly managed to extend its reach to the

⁵⁰ Noel Coulson was Professor of the Department of Oriental Laws in the School of African and Oriental Studies. He was a renowned scholar who wrote in detail on *Shari'ah* Law

domains in which the *Shari'ah* had ruled supreme for centuries (Mir-Hosseini 1993). In almost every area of the law, Western inspired legal codes came to replace the *Shari'ah*.

In 1850 the Ottoman authorities introduced extensive reforms (the *Tanzimat* reforms) which for the first time interfered with substantive Islamic law in an attempt to make it in line with modern needs and contemporary issues. The Ottoman Empire had for centuries supplemented its version of orthodox *Shari'ah* with *qanun* laws, the secular decrees of the sultan of the day. In the modern context although some countries, such as Turkey, adopted a whole-sale secular path by abandoning classical Islamic law in every sphere and replacing it with Western inspired codes, most countries retained *Shari'ah* Law with respect to family, inheritance and religious endowments. At one level the reform and reinterpretation of laws (particularly family law) which affected women's lives directly had been an ongoing process since the death of the Prophet. However, the pre-modern *Shari'ah* had managed, at least in theory, to avoid being identified with the temporal power. With the rise of the Muslim nation-state it was the powerful governments that influenced the interpretation and application of the law (Mir-Hosseini 1993:10). These governments were influenced and guided by Western theories and were under internal pressure to modernise. A large majority of countries including Egypt, have chosen the path where the *Shari'ah* still forms the basis of family law, albeit reformed, codified and applied by a modern legal apparatus.

The 1980's has brought to Muslim countries an increased communitarian unease and a rift on the world scene between Islamists and Muslims. The Islamic revival of the last two decades is illustrated by violent opposition to *Shari'ah* reform (Mallat 1989). In this context attempts at further reform of the already codified family law to achieve greater gender egalitarianism has become a highly emotive political issue. Islamist opposition to state intervention of the *Shari'ah* has transformed family law into the last bastion against Western cultural encroachment. The previous trend towards secularisation has been reversed. In some countries such as Iran and Sudan there is a return to the pre-modern Islamic law as a method of asserting an independent identity, an alternative to Western imported models. The provisions of the Qur'an are abundant and explicit in the area of personal relationships and are seen as being closely intertwined with the 'sacred' in the law. Mir-Hosseini has pointed out that it was precisely because of the abrupt

abandonment of *Shari'ah* law in other areas that family law became a sensitive and disputed issue (Mir-Hosseini 1993:12).

The debate over family law is conducted almost entirely within the Islamic framework. At issue are women's emancipation and gender egalitarianism. For conservative and Islamist authorities the *Shari'ah* in its reduced form to family law only is a sacred institution, whilst for secular modernists the *Shari'ah* as it now stands is incompatible with modern life (Kusha 1981, Mallat 1989). For feminists and most gender activists the general gist of the *Shari'ah* as applied presently to family law is overtly discriminatory and unjust. Whilst earlier this Century it was the modernists who had won the day, as the end of the Century approaches it appears that it is the Islamists who have the upper hand and are arguing for a return to traditional values and structures. Islamists see the abandonment of the *Shari'ah* as the abandonment of the Islamic social order that was divinely ordained as plainly patriarchal. Modernist gender activists on the other hand see its abandonment as a necessary step towards a more egalitarian social order.

Several leaders and governments have been advocating Islamisation but as a means of gaining greater legitimacy and popularity. Military dictators have striven to gain prestige by making concessions to the genuine popular sentiment favouring the idea of a revival of Islamic law (Mayer 1991). The military governments of Pakistan in 1979 and Sudan in 1983 adopted ambitious Islamisation programs that led to the official enactment of various Islamic laws as positive law. Other relatively more democratic regimes, such as in Egypt, felt that in order to win the support of groups calling for the reinstatement of Islam, it was politically expedient to enact laws that might placate them. However, the degree of movement towards Islamisation has been uneven in Egypt and has tended to be moderated by democratic political processes. Iran's Islamisation, which came in the wake of major revolutionary upheaval and is controlled by conservative clerics, has been more far-reaching. Amongst the conservatives in Iran emphasising the 'family' signalled the aim to return Iranian women to a domestic role after decades in which much progress was made in education and employment (Afkhami 1994, Paidar 1995).

According to various women's organisations recent changes in personal status law together with the adoption of different forms of *Shari'ah* have meant that women have

become subject to the same types of discrimination throughout the world. The Paris-based international organisation *Women Living Under Muslim Laws* argues that these laws are basically similar and form a common terrain despite the diversity of cultures. Thus laws based on the *Shari'ah* often deprive women of the right to marry on their own accord and choice by submitting them to the authority of a marriage guardian⁵¹ (Helie-Lucas 1993:215); they deprive them of easy access to divorce, which remains the privilege of husbands⁵²; they confirm the latter's right to several wives; they confirm inequalities in inheritance (*ibid*). To a large extent Muslim laws submit women's mobility and access to employment to their husband's or father's permission. Furthermore in most cases a woman's sexual life is the subject of legislation: sex outside marriage is punished in some countries by death (*ibid*); e.g. in Pakistan where the Hudood Ordinance is applied.

I do not intend to delve into the diversity of *Shari'ah* law as manifested by the different schools of law, nor into the nuances and variations of its practice throughout the world. However, these variations are of profound consequences for women's autonomy and freedom. In order to explore the gender activist responses and attitudes towards the *Shari'ah* I will briefly examine the institution of marriage according to classical pre-modern *Shari'ah* doctrine. It should be emphasised that actual practice varied considerably from the *Shari'ah* ideal and often women's Islamic rights were denied them as well in the name of religion and custom.

4.4 Classical *Shari'ah* Law: Marriage and Gender Relations.

There is continuing debate as to whether the Qur'an elevated the overall position of women or not. Evidently in comparison to the pre-Islamic period substantial reforms were introduced which affected the position of women by creating new regulations and modifying existing customary practice. Muslims point out that not only did the Qur'an attack institutions of pre-Islamic Arabia that contributed to women's degraded status (such as female infanticide), but Islam also conferred rights on women in the 7th Century which women in the remainder of the world have been unable to obtain only until fairly recently:

⁵¹ According to Hanafi law an adult non-virgin woman may marry by herself, however, for the majority of schools the consent of the marriage guardian or *wali* is necessary for the validity of marriage.

⁵² Although women have access to certain forms of divorce and separation this in no way approximates a man's right to unilateral repudiation

e.g. Islamist gender activist Zahra Rahnavard argues that women enjoyed full legal personality and could own and manage property (Afshar 1994:16) and, according to some interpretations, women also enjoyed the rights to divorce on very liberal grounds. However, throughout Islamic history there has been the unresolved question of how to reconcile the rights that women were granted by the *Shari'ah*, such as managing their own property and conducting business, with other rules that seemed to be in direct conflict with them such as those allowing the husband to control his wife's activities (Mayer 1991:112). In recent decades Muslim conservatives and Islamist writers have been speaking out on the 'status of women in Islam' and have attempted to demonstrate that fidelity to Islam requires rejection of the tenets of feminism.

It has already been stressed that a variety of marriage practices were evident in pre-Islamic Arabia. Esposito argues that the predominant marriage agreement was a contract that closely resembled a sale (Esposito 1982:14): the wife's tribe relinquished its rights to her and to her future children by receiving a price or gift called *mahr*⁵³. In pre-Islamic Arabia the *mahr* or bride-price was paid to the bride's father. Strong emphasis was placed on chastity and the potential fidelity of the women. Therefore a woman's family strictly limited her behaviour to ensure her reputation and the family's honour. The dominant marriage system in ancient Arabia produced a situation in which a woman was subjugated by males, by her father, brother or close male relatives when she was a virgin and by her husband when she became a wife. It has been argued that in pre-Islamic Arabia a woman had no voice in the initiation or termination of her marriage, whilst men had the right to unlimited polygamy and unilateral power of divorce (Esposito 1982:15)⁵⁴.

Marriage and sexual relations are viewed positively in the classical Islamic sources. In classical *Shari'ah* law marriage was a civil contract legalising intercourse and the procreation of children (Doi 1987). Both conservative and liberal authorities have argued that the contract of marriage considerably raised the status of women under Islam by making her a party to the marriage agreement, rather than an object for sale. A Muslim

⁵³ Translated as marriage gift: *mahr* is defined as a token payment that the wife is entitled to receive from the husband in consideration of the marriage. It is intended to safeguard her economic position after marriage

⁵⁴ Classical Islamic sources themselves have described pre-Islamic forms of marriage that offered women more autonomy (see section 3.3)

man or woman who is of sound mind and who has attained *bulugh*⁵⁵ is considered to have the legal capacity to contract a valid marriage for himself or herself. Essential to the marriage is the offer (*ijab*) of one contracting party and *qabul* (acceptance) of the other, occurring before two witnesses. Another right granted to women as a result of Qur'anic prescription is her right to *mahr*. *Mahr* is essential under *Shari'ah* law to a marriage contract. *Mahr* can also be used as a means for controlling the husband's power of divorce, since upon dissolution of the marriage he is required to pay the total amount at once. Maintenance (*nafaqah*) is the primary obligation of the husband towards his wife: the husband has to provide food, clothing and lodging regardless of his wife's private means, unless she is disobedient and refuses him conjugal rights. The wife in return owes complete obedience to the husband, especially in sexual matters.

A crucial feature of Islamic law that clearly highlights the dominance of men over women is the power (*jabr*) that is bestowed upon a woman/minor's father or grandfather (*wali*). The majority of the schools of law require a virgin girl to be given away in marriage by the *wali*⁵⁶. Although modernist writers have argued that a *wali* cannot force his daughter or ward to marry someone she has no desire to, in practice the institution of the *wali* has effectively severely limited a women's autonomy in the choice of a marriage partner⁵⁷. Reformists have pointed out that the institution of *wilayat* is not supported by any Qur'anic prescription or *Sunnah* of the Prophet.

In Sunni *Shari'ah* law marriage was viewed as a permanent institution. Thus, contrary to pre-Islamic practice and Shi'a law, temporary marriage (*mut'a*) was forbidden. Esposito writes that although divorce is viewed as undesirable, provisions are given in the *Shari'ah* so that the contract of marriage can be annulled (Esposito 1982:29). Divorce is generally referred to as *talaaq*, and signifies one spouse's release from the other spouse from the marriage bond. He goes on to describe the different types of divorce: *talaaq*, *ta'aliq*, *faskh* and *khula* (*ibid*). '*Talaaq*' means 'to release' or 'to abandon' in Arabic and is the term used to describe divorce affected by a man uttering an unconditional form of repudiation. A *talaaq*

⁵⁵ In *Shari'ah* the attainment of *bulugh* for a boy is either upon reaching fifteen years of age, or the achievement of sexual ability (emission), whichever is the earlier. For a girl, it is also the reaching of fifteen or the onset of the first menstrual period, whichever is the earlier.

⁵⁶ The right of guardianship is known as *wilayat* and the guardian is the *wali*.

⁵⁷ It has been argued that according to *Hadith* the consent of a woman is necessary, but that the silence of a *bikr* (virgin) when her consent is sought in marriage can be construed as acceptance, and that the silence of a *thayyib* (a woman who has had an earlier marriage) cannot, and that to give her consent she will have to express it in clear terms (Gayoom 1995).

divorce is further qualified by the description of the number of times a husband has repudiated his wife. Following a divorce certain rights and obligations of both spouses come into effect. The wife's main obligation rests in her observation of *iddah* (a waiting period) so that if she is pregnant no question regarding the paternity of her child could arise. It also provides a period during which reconciliation can take place. During the period of her *iddah* the wife is entitled to maintenance from her husband and, if she is pregnant, this right continues until the birth of the child. Because of the husband's unilateral right to divorce, Qur'anic Verses cite many conditions granting the wife compensation (such as the total amount of the *mahr*) once the divorce is carried out. Women, however, have restricted access to divorce. The available methods include *khul* (common consent of the husband and wife) and application to a *qadi* by the wife on certain grounds such as impotence. However, these grounds are limited in number and difficult to prove, especially in Hanafi law⁵⁸.

Reformists and gender activists are particularly concerned with the obvious patriarchal nature of marriage and family relations in classical *Shari'ah* law. Whilst *Shari'ah* laws may not necessarily be overtly discriminatory if interpreted compassionately, nevertheless they are patronising in their treatment of women. Gender activists argue that it is evident that a lack of confidence in women's judgement which was supported by several, possibly fraudulent *Hadith*, was the basis of the 'minority' status of women in classical Islamic law. In traditional Muslim societies women who spent most of their lives engaged in domestic duties and segregated from the world of legal and business agreements came to be seen as less competent to deal with such matters (Mayer 1991). The higher social regard for men in worldly affairs thus came to be reflected in the granting to men of more extensive rights in the law such as the unilateral power of divorce.

A relatively gender egalitarian modern day reinterpretation of Islamic provisions on marriage and divorce is illustrated by Taha's work⁵⁹. The Sudanese Republican community attempted to put these egalitarian precepts into practice. Women had autonomy and freedom of choice in choosing their marriage partners. All Republican couples extended the right of divorce to their wives in the marriage contract itself (An-

⁵⁸ In Hanafi law a court may dissolve a marriage only if: the marriage is irregular, a person who has the option to dissolve the marriage exercises it, the parties are prohibited from marriage by fosterage, the marriage was contracted by non-Muslims who subsequently adopt Islam, or a husband is unable to consummate the marriage or is missing (Esposito 1982).

⁵⁹ See section 4.2 *ante*.

Na'im 1987:7). Both husband and wife had the right to unilateral divorce, subject to the binding ruling of the arbiters of both parties. *Mahr* was kept to the absolute minimum, required simply for the validity of the contract of marriage under the *Shari'ah* (*ibid*). The drastic reduction of monetary *mahr* in comparison to the high *mahr* common to Sudanese customary practice was designed to emphasise that no price is sufficient to purchase a wife, thereby signifying that marriage is an equal partnership (the ultimate goal being the abolition of *mahr* altogether). In this way the Republicans revolutionised marriage practices within the confines of the *Shari'ah* without offending the essence of prevailing social customs.

Recent work has stressed that it is an error to equate family law, as applied in today's Muslim societies, with the classical *Shari'ah*. Mir-Hosseini has pointed out that whilst it is true that everywhere in Muslim countries (apart from Turkey) family law is derived at least nominally from the *Shari'ah*, its actual substance and mode of application are no longer the same (Mir-Hosseini 1993:13). It is necessary to examine the differences between the national contexts to understand how today's *Shari'ah*-based family law operates and how gender activists are campaigning for reform.

4.5 Family Law Reform in Egypt

Egypt from 1875 onwards took the radical step of adopting wholesale French law and in addition to promulgating Penal, Commercial and Maritime Codes and setting up a system of secular courts to apply them, it also enacted Civil Codes which were basically modelled on French law and contained only a few provisions drawn from the *Shari'ah* (Coulson 1964:152). As a result of these initial steps taken during the Ottoman period, laws of European origin today form a vital part of the legal systems of most Middle-Eastern countries. Prior to the modern age *Shari'ah* courts were generally speaking dominated by the doctrine of *taqlid*. This precluded the state from administering the law in any way other than in strict accordance with the terms of the medieval texts. Thus change could only be affected by the intervention of political authority.

From the mid-19th Century onwards the state in Egypt tried to draw women into the economic and technological transformations that were underway. The State tried to wrest

women away from the exclusive control of the family, thereby threatening the authority and domination of men over their women (Badran 1991). In the drive towards secularisation of law and education much of the power of the religious establishment and the *Ulema* was eroded. The only exception to this was in the area of personal status laws. Thus for women an awkward dichotomy was created in their roles as citizens of the nation-state and as members of the *Umma*. The State came to influence their public roles whilst religion was left to regulate their private or family roles.

Much of the legal reforms in Egypt had been influenced by modernist discourse dominated first by men and subsequently carried on by feminist women. The modernist discourse has some widespread features that continue to be reiterated by modernist gender activists. One such common modernist contention is that the Qur'an has several other meanings along with its literal one. Modernists stress that the 'spirit of the Qur'an' is largely egalitarian and argues that several passages show that equal rights were meant for women (Kusha 1981, Stowasser 1987). Modernists hold that women should have the same rights as men in the choice of their marriage partner. They contend that the Qur'an opposes polygamy because it says the conditions for it cannot be met (*i.e.* the equal treatment of wives)⁶⁰. Modernists argued that polygamy is a destructive custom that must be eradicated and may be lawfully forbidden by the ruler as a measure taken 'in the public interest'. Women must be awarded greater rights in initiating divorce along the line of Maliki, and not Hanafi, law. The feminist movement drew on this modernist discourse. In the liberal phase of feminism (1930's - 1950's) although women were able to conduct public activities, there was no headway in formal political rights for women nor in the reform of personal status laws (Badran 1991). With the achievement of considerable political and public rights the family remained the area for feminist campaigns for reform

Family law has remained relatively true to the pre-modern *Shari'ah* dictates throughout the Muslim world. However, in Egypt modernist reform did introduce some changes throughout the 18th and 19th Centuries in the areas of marriage and divorce. Egyptian jurisprudence and legislation provided the impetus for modernist legislation throughout the Arab world. In 1897 the *Egyptian Code of Organisation and Procedure for Shari'ah*

⁶⁰ The Verse sanctioning polygamy instructs that all wives be treated equally. Verse 4:3 "...marry of women as may be agreeable to you two, or three, or four; and if you fear that you will not deal justly then marry only one or what your right hands possess. That will be more suitable, to prevent you from doing injustice."

Courts required written documentation in marriage and divorce. By refusing to register child marriages and by denying such marriages judicial relief, the reforms severely limited child marriages (Esposito 1982:52). Modern legislation sought first to establish grounds that would enable women to sue for judicial divorce and second to limit a husband's exercise of *talaaq*.

Divorce is one issue that particularly preoccupies gender activists in the Egyptian context. In the Hanafi school, the authoritative school for Egyptian *Shari'ah* courts, there are virtually no grounds by which a wife can free herself from an undesirable marriage except for the husband's impotence (Esposito 1982:53)⁶¹. In contrast to other schools, wives living under Hanafi law had to endure desertion and maltreatment with no recourse through divorce. Broader grounds were, however, established for divorce through reform: such as the husband's failure to provide maintenance; desertion; and maltreatment. A major reform of Muslim family law in Egypt was the limitation of the husband's unilateral power to divorce his wife at his own discretion at any time and for any reason. The 1929 *Article 1 of Egyptian Law no 25* decreed that all formulae of divorce uttered under compulsion or in a state of intoxication were henceforth invalid. A significant departure from traditional practice was the decree that regardless of the number of times indicated by word or sign a pronouncement of divorce would only be considered as a single utterance; and therefore revocable (Article 3)⁶².

Throughout the 1970's feminist activists were campaigning and calling for a new law of personal status which would treat more effectively major 'problems' like polygamy, divorce and custody of children. Feminists won a considerable victory when in June of 1979 a presidential decree revised family law for the first time in fifty years. Excesses of patriarchal privilege were curtailed in an unprecedented manner with the expansion of women's initiative to divorce, added protection for women in divorce, and with controls placed on polygyny. *Law no: 44* contained a number of important provisions: firstly, a wife had to be informed if her husband took another wife; she now had the right to sue for divorce if she disapproved of any marriage (*Art. 6b*); a husband had to obtain a notarised certificate of divorce; he was also obligated to inform his wife of the divorce (*Art. 5b*); if a

⁶¹ see section 4.4

⁶² This was not however, a totally radical view since many traditional *Ulema* such as Ibn Taimiyah and Ibn Al-Qayyim had supported this view-point (Gayoom 1995).

woman was subjected to divorce without her consent and without just cause, then she was entitled to at least two years additional alimony in addition to maintenance during the *idda* period. The reform legislation also contained a curious means by which a wife could obtain a quick divorce. The reform law decreed that if a wife refused to return after she deserted her marital home and her husband sent her a formal notice through a bailiff then her marriage was terminated from the date of refusal.

The ascendancy of Islamism in the 1970's also saw the rise of a second wave feminism associated with Nawal al-Saadawi whose writings took Egyptian feminism towards a new direction. Sa'adawi campaigned for radical change in the patriarchal family structure and personal law⁶³. Her socialist feminism calling for social, economic and cultural revolution, was not in essence articulated within an Islamic framework although she drew on certain Islamic arguments. Organised feminism resurfaced in Egypt in the 1980's under Saadawi's organisation, the *Arab Women's Solidarity Association* (AWSA). In the face of growing Islamist (and general) opposition to the 1979 decree law revising the personal status law, Mubarak's government in 1985 cancelled it. The ensuing crisis provoked by the rescinding of the liberally revised *Personal Status Law no: 44* led to the formation of a broad feminist coalition, called the *Committee for the Defence of the Rights of Woman and the Family*, to fight back. A number of feminist organisations with differing political agendas were galvanised into collective political action. Finally, within two months a new law was passed restoring most, but not all, of the benefits to women provided by the 1979 law. The coalition succeeded in obtaining the reinstatement of the law, albeit in a truncated form. Later disagreements amongst feminists split the united front and the coalition fragmented.

In contrast to the modernist feminist position arguments for women's rights in more indigenous Islamic terms had always been present. The brand of feminist discourse of Zeinab Al-Ghazali which envisioned an Islamic state and insisted on the implementation of social justice for all was considered radical and dangerous by both Nasser and Sadat. Today, a growing majority of Islamist women continue to argue for women's rights whilst at the same time calling for the reinstatement of the *Shari'ah* (Badran 1994). President

⁶³ Sa'adawi in her controversial book *The Hidden Face of Eve* approached the taboo subject of sexuality. She dealt with issues such as female circumcision, prostitution and sexual aggression against female children (Sa'adawi 1980).

Mubarak has inherited the question of implementing the *Shari'ah* from his predecessor, Sadat, under whom a committee had been formed to canonise Islamic law. Aside from some members of Parliament the committee included Islamic scholars from al-Azhar⁶⁴ and various legal advisors. Instead of opposing the project directly the Mubarak Government and Members of Parliament have employed delaying tactics and argued that that Egyptian society is not yet ready for full implementation of the *Shari'ah*. They point out that it is necessary first to educate and nurture the society in preparation. The Egyptian State has been trying to contain the growing anti-state Islamist activism. In seeking not to antagonise the Islamist forces and alternating tough and conciliatory attitudes the State has generally displayed a conservative attitude towards gender issues. Ironically, Egypt is considered to be the leader in family law reform in the Middle-East, but, so far has been unable to pass legislation in its own country making it necessary to obtain court permission for divorce or polygamous unions.

Despite the widening base of the feminist movement throughout the early 20th Century, so far there had been little but adversarialism between the Islamist and feminist camps. The last two decades, however, has seen a resurgence of gender activism within the Islamic framework and the blurring, to an extent, of the rigid boundaries between the two camps (Ahmed 1992, Badran 1994). The 1990's is envisaged to be a period of Islamist gender activism⁶⁵. A continued public role for women in the moderate stratum of Islamic activity is evident under Mubarak. Many Islamist women have taken advantage of a new forum for airing their views provided by the first Islamist magazine for women, the *Hajir*. Far from advocating a domestic role the authors of *Hajir* argue that the Islamic path to women's freedom is through politics and that work is a woman's issue. As for power relations within the family, new trends within the Islamist movement stress the Islamic concept of *shura* (consultation) as opposed to 'a totalitarian patriarchal system' (el-Gawhary 1994).

⁶⁴ A renowned centre of Islamic theological learning in Cairo

⁶⁵ see section 5.3

4.6 The 'Islamic Family' and the Emerging Feminist Voices in Iran

Shi'a *fiqh* developed its own particular style of argument and reasoning in the Safavid period. The spirit of rebelliousness in Shi'a thinking can be related to the emphasis on *ijtihad*. Shi'a and Sunni jurisprudence developed differing laws concerning women, particularly in relation to marriage and inheritance (Paidar 1995:34). The three most important deviations from Sunnism were: temporary marriage (*sigheh*); restriction of a husband's right to the irrevocable 'triple *talaq*' (طلاق); improvement of women's inheritance rights. In other matters regarding women, Sunni and Shi'a laws differed very little (*ibid*). The orthodox model in both schools emphasised men's rights to have virtuous, obedient and submissive wives. Thus in practice the majority of women were unable to leave their houses or spend of their wealth without their husband's permission (Mahdavi 1985). However, a wife did have the right to maintenance (food, clothing, shelter) and the right to be forgiven for her wrong-doings. Despite the dominance of the patriarchal model, some Shi'a *mujtahideen* have argued for the principle of equality and justice for women, even recommending that women should become judges and pass judicial verdicts.

A new discourse on the position of women in society emerged following contact with the West and the founding of the modern state of Iran. The discourse of modernity that dominated the terms of the political debate started in the 19th Century with a broad vision and pro-Western values. However, by the 1970's this had turned into an anti-Western discourse (Paidar 1995:29). Whilst in much of the Middle-East there was Islamic reformism on the question of women, this did not occur in Iran: this was mainly due to the nature of religion in Iran and the existence of a semi-autonomous clergy that was largely independent of the State. Intellectuals propagated the secular ideologies of 'humanity,' 'freedom' and 'emancipation'. Women's emancipation was seen as part of this universal movement to reach human ideals. Intellectuals, such as Mirza Akhundzadeh (1812-1878), looked back on the Persian Empire as the glorious age of Persian society and expressed disdain for the Islamic conquest; because it represented the origin of social evils such as the subjugation of women. These reformers argued for women's education, emancipation, unveiling and the monogamous nuclear family unit.

Women's participation in the constitutional revolution and nation-building established them as fellow participants in the national struggle. Since the idea of women's emancipation was grounded in the need for national progress, those aspects of women's position that enhanced the country's development and progress were given priority. Similar to Egypt, in the early stages of the feminist campaign in Iran women's education was the absolute first priority and was demanded by men and women alike. Under Reza Shah compulsory acts of unveiling and desegregation of public space were the most far-reaching aspects of state modernisation with regard to gender relations. The Shah believed that women's work was needed for national progress. Reforms in family law, such as an increase to fifteen of the legal age to marry, ensured that women could not be denied education by early marriage. However, despite these reforms women were still primarily defined as bearers and nurturers of the nation's children. The *Civil Code* (1928-1935) and the *Marriage Act* (1931) constructed women as dependent beings. The Shah did not seek to abolish *sigheh* and polygamy; nor did he put the right to marry for both men and women on an equal footing; nor did he establish similar familial rights for men and women (Afkhami 1994, Paidar 1995).

The State's policy of women's integration into society stopped short of substantial reform of the family law (Azari 1983, Mir-Hosseini 1993). In relation to marriage the Civil Code specified a number of rules within the framework of the polygamous family. Thus the consent of both parties was required for marriage. However, *Articles 1042-1043* required the woman to obtain her father's or grandfather's permission before contracting her first marriage. Muslim women were furthermore forbidden to marry non-Muslim men. *Article 1105* pronounced the husband as head of the household and put responsibility for the wife's maintenance on his shoulders. Articles on *sigheh* marriage allowed the man to take an unlimited number of temporary wives, each for a period of between one hour to ninety-nine years.

By the 1960's the only area affecting women's rights that had not been radically altered by the State was the family. Feminist activism had become an organised political force that promoted its ideas through writing and public meetings (Paidar 1995). The main feminist demands on education, unveiling, desegregation of the sexes, raising the age of marriage,

entry into the professions and political rights had been achieved - albeit to a limited degree. Hence the attention of women activists turned next to the question of the family. In 1967 a bill was drafted and became known as the *Family Protection Law*. The bill was claimed to protect family life by making illegal practices such as arbitrary divorce, polygamy and a man's right to child custody. The *Family Protection Law* re-introduced secularisation of marriage and divorce registration, which had remained largely in the control of the clergy. It specified that divorce could only be initiated through submission of an application to a family protection court. This had to be followed by a process of attempted reconciliation. The responsibility for reaching an agreement on the maintenance and custody of children rested on the couple. The family laws of the 1960's and 1970's were the flagship of the State's modernisation policy. However, it should be said that there were other motives behind these emancipatory reforms, such as population control.

Gender relations was the main site of political power struggle between the Shah's regime, the Shi'a clerical opposition and the left. The threat of clerical revolt and the social conservatism of state officials and the Shah meant that reform for women in the area of family law was in fact meagre. Many authors have described that despite consecutive legislation family laws of Iran in the late 1970's still considered the man to be the head of the household. Consequently, divorce was still considered to be the man's natural right, whilst a woman needed permission to initiate divorce on 'behalf of her husband'; a man still had the right to demand sexual intercourse from his wife and lawfully force her to comply; polygamy, despite being curbed, was still considered the right of the husband; a woman needed to obtain her husband's permission to travel and take up a separate place of residence. Countless other male privileges prove the dominance of patriarchal family relations in this period. The law concentrated on curbing the excess of male power in the family rather than fundamentally changing it.

Despite legal reforms the clergy's hold over the religious lives of the people meant that except for the elite and the upper classes, women's lives continued to be circumscribed by orthodox religious views (Fisher 1980, Paidar 1995). In the 1960's there were increasing numbers of books of religious instruction that devoted substantial attention to women and the family. Political suppression of the clergy resulted in the strengthening of their claim over the family as a religious territory. Khomeini's writings reiterated the orthodox view

that it was a religious duty for women to occupy a domestic role and submit to the wishes of their husbands. Khomeini warned the faithful against compliance with the *Family Protection Law of 1967*. The 1960's also saw 'Shi'a modernism' and this involved a major rethink and rationalisation of the concept of the 'Islamic family'. Shi'a popular culture had long elaborated the important roles women had played in early Islamic history⁶⁶. Intellectuals such as Mutahhari and Shari'ati propagated a new notion of the modern Shi'a woman through their publications and sermons by drawing on role models in Shi'a history. But the gist of the arguments were against complete equality of the sexes but, instead, advocated the idea of 'equal but different'. Muttahari rationalised the different positions of the sexes with reference to the biological and psychological differences between men and women.

The issue of women's liberation was made central to the revolutionary demand for the overthrow of the Shah and was voiced by both men and women. The Pahlavi dynasty was labelled as spreading 'alien Western culture' and corrupting women (the concept of 'Westoxication'). Despite the rhetoric of Khomeini's orthodox religious discourse there was the enactment of new gender relations within the Revolution. Women fully participated in political activities and mass demonstrations. Following the 1979 Revolution the reversal of the Pahlavi secularisation resulted in the clergy having an unprecedented degree of influence over the legal position of women (Azari 1983). The Islamic Republic's approach to the issues of women's rights indicated that it not only involved the revival of pre-modern *Shari'ah* rules determining women's status in the family, but also the imposition of new rules designed to perpetuate women's subordination by curbing their opportunities. The Islamic Republic set about constructing a coherent family law of the 'Islamic family'. A few days after the victory of the Revolution, Khomeini suspended the *Family Protection Laws* of 1967 and 1975. The clerics argued that since Islam had granted the absolute right of divorce to men, they should not be required to go to the courts for divorce. In effect this was a call for men to by-pass the Family Protection Courts which dealt with divorce, custody and other family matters. The *Family Protection Laws* were dismantled and in 1981 the *Civil Code* stopped being the main family law. More and more emphasis was placed on orthodox *Shari'ah* interpretations of family law.

⁶⁶ Special adulation was given to Zaynab, the Prophet's grand-daughter who bravely confronted the Umayyad Caliph Yazid

The state policy on marriage focused on the construction of marriage as being the only legitimate union in which sexual pleasure and reproduction was permissible (Haeri 1994, Paidar 1995). A campaign was waged by the Islamic leaders to encourage the nation to engage in the many forms of marriage available to them. The State adopted a number of strategies to achieve this. It lowered the minimum age of marriage, removed restrictions on polygamy and offered financial assistance to newly-wedded couples. The abolition of the *Family Protection Law* removed the previous restrictions on polygamy, such as a man needing to obtain permission from his first wife or from a court before embarking on his second marriage: the removal of this restriction meant that a man could marry up to four permanent wives without any legal problems. Shi'a marriage was seen as a commercial transaction based on an exchange of commodities between partners (Haeri 1994). In the archetypal bargain the man's role was to be the head of the family and, thus, he was to be obeyed, fed and looked after. Although women also did have certain rights, as explained previously, these were in no way as extensive as the husband's. Anthropological work has described how women utilised many legal loop-holes to their advantage in marriage and divorce: e.g. the stipulation of conditions in the marriage contract in order to restrict polygamy.

Gender activist discourse arguing for egalitarian relations within the Islamic framework have emerged during the past decade in Iran⁶⁷. Paidar writes that the most vocal opposition to the Islamic regime's policies on marriage and polygamy was presented by sections of the Islamic women's movement (Paidar 1995:275). The *Zan Ruz* magazine turned into a platform for the expression of Islamic feminist opposition to the State's policies on the family. Women *Majlis* Members (of Parliament) and other Islamic women leaders too voiced their opposition. Several researchers have written on the phenomenon of gender activism in Iran. They argue that there are clear signs of the emergence of a feminist re-reading of the old texts as a response to the changed status of women and the need to accommodate their aspirations for equality (Afshar 1994, Mir-Hosseini 1995). The pre-Revolutionary orthodox Shi'a discourse (led by Muttahari) glorified gender inequality and complementarity by arguing that it was in harmony with the law of nature. However, the hegemony of this discourse is now losing ground to a new argument which although located in the *Shari'ah*, argues for gender equality on all fronts. Debates over

⁶⁷ Tohidi 1991, Afshar 1994, Mir-Hosseini 1995, Paidar 1995

women's position in law that were stifled early on in the Revolution are now resurfacing (Afshar 1994, Mir-Hosseini 1995). Although limited and confined within the parameters of Islam, the current gender debates reveal a growing dissent from the earlier discourse of the Republic. At present the journal *Zanan* is leading the gender activist discourse. In each issue aspects of gender inequality in the *Shari'ah* are discussed and new interpretations are attempted.

Mir-Hosseini's research finds that *Zanan* started debating for gender egalitarianism in a hesitant voice. The magazine rejects Muttahari's notion of complementarity of rights and brands it a pretext for the very denial to women of their rights (Mir-Hosseini 1995:19). In an article entitled '*Tamkin*' (a woman's duty to submit to her husband's will) authored by Shukufeh Shekari and Sahereh Labriz, the issue of male head-ship of the family is subjected to critical examination (Mir Hussieni 1995:9). Shekari and Labriz discuss the issue of why and under what logic men were given head-ship of the family in orthodox Islam⁶⁸. In search of answers the authors examine a wide body of legal opinions in Shi'a *fiqh* upon which the *Civil Code* articles were founded. In addressing this difficult issue in gender activist terms the authors try hard to arrive at a justification that is acceptable in modern terms of 'equality'. They argue that head-ship does not imply that a man has absolute and despotic rule in the family, but only that it entails a certain authority as defined by law and custom (*ibid*). A woman is not her husband's mere subordinate but his partner, companion and aid. They do not challenge the *fiqh* position that sees sexual submission as a women's duty. They argue that a woman is not required to blindly obey her husband and that she could even demand wages for housework. Orthodox *Shari'ah* law postulates that if a woman is *nashizd*⁶⁹ her husband has the right to beat her lightly and deny her maintenance. Islamist gender activist Zahra Rahnavard considers the obedience required of women as being very specific and applying only to compliance with the sexual demands of a husband (Afshar 1994:14).

In the early issues of *Zanan* the authors did not challenge on their own grounds *fiqh* concepts such as *tamkin* and *nushuz*, but instead simply added qualifiers (Mir-Hosseini 1995:8). In so doing they ensured that the debate remained within acceptable boundaries

⁶⁸ The Iranian civil law reflects this view of male head-ship. Article 1105 states "In a marital relationship, the head of the family is a duty characteristic of men".

⁶⁹ Rebellion, non-fulfilment of marital duties

without appearing to be too radical. These arguments, however, were a prelude to defying the conventional understanding of Qur'anic Verse 4:34 that was commonly used to justify male superiority⁷⁰. The reader was once again reminded that such beliefs had little to do with Islam but were products of historical processes that not only predated Islam but which, in fact, only gained momentum after the Prophet's death (Mir-Hosseini 1995:10). Thus authors in *Zanan* have gone on to argue for women's suitability as judges and in all professions. As regards disapproval of women's work outside home due to the Qur'anic injunction for the Prophet's wives to stay at home and not to display their ornaments (Qur'an 33:33)⁷¹, a *Zanan* cleric has argued that that Verse was revealed to women of the Prophet's household and, therefore, was not incumbent upon women in general: general women-kind could never hope to aspire to the same level as the Prophet's wives (Mir-Hosseini 1995:13). Finally, they argue that the Verse's command was merely to guide, and not to be binding (*ibid*).

Mir-Hosseini writes that *Zanan* 18 (June-July 1994) marked an important phase in the magazine's progression towards a *Shari'ah* based feminist discourse (Mir-Hosseini 1995:22). From then on the magazine did not shy away from engaging with *fiqh* texts but tackled head-on the Qur'anic Verses used to legitimate women's subordination. Thus, the question of the wife's obedience and the right of a husband to beat his wife was critically examined. The authors showed what the *Shari'ah* concepts of *tamkin* and *nushuz* entailed in practice and how humiliating and disturbing its effects were on women and children. In looking at the *fiqh* dimension Mohsen Qa'eni, a man versed in religious studies, argues that *Article 1105* of the *Civil Code* had no *Shari'ah* based justification (Mir-Hosseini 1995:23). In his discussion of Sura 4:34 he states that a man's head-ship of the household was a male construct and, like other male privileges which were attributed to *Shari'ah* law, actually has its roots in the culture and customs of the time of revelation. Qa'eni argues that the aim of the Qur'an was to achieve changes in gender relations gradually (*ibid*). To show the extent to which Sura 4 (*an-Nisa*) is predicated on the customs and conventions of its time, Qa'eni urges the reader to examine the practices of the Prophet themselves; and reminds the believer that he or she is in fact required to so do by the Qur'an itself (Mir-Hosseini 1995:24). He then analyses several *Hadith* and argues that the

⁷⁰ see section 3.3 *ante*.

⁷¹ *And stay quietly in your houses, and make not a dazzling display, like that of the former times of ignorance; and establish regular prayer, and give regular charity and obey God and his Apostle... (Verse 33:33)*

Prophet himself never acted according to the dictates of Sura 4: not only did he never raise his hand to strike any of his wives but he actually condemned wife-beating. Qa'eni says of male head-ship and the authority of the husband to discipline his wife that the Qur'an simply endorsed the conduct and custom of the time - as it did with certain other marriage rules - but that this does not mean that the Qur'an held them to be just, unchangeable and applicable to all times. Qa'eni concludes that Islam intended disputes in family relationships to be resolved by persuasion and advice (*ibid*).

A woman's duty to relieve men's powerful uncontrollable sexual urges is the rationale behind the Shi'a institution of *sigheh* or temporary marriage. The Islamic Republic has particularly promoted and encouraged this form of marriage. *Sigheh* flourished around sacred shrines predominantly amongst theology students. Sexual *sigheh* was also sometimes used as a means of repentance and punishment: according to reports, prostitutes detained in rehabilitation centres were encouraged to become *sigheh* to revolutionary guards, and in prisons virgin women prisoners were forced into *sigheh* with their jailers⁷². Gender activists are particularly opposed to *sigheh* marriages because they consider them to be forms of prostitution and are campaigning against them. For example, the magazine *Zan-e-Ruz* has been concerned with the children born of such unions. They criticise the Islamic regime for ignoring the role of 'love' and companionship within marriage whilst overtly focusing on the sexual aspects. However, sociological research has revealed that this type of marriage does in fact offer women autonomy and independence in some unexpected ways (Haeri 1989).

It would seem that the impact of the Revolution on women has to a degree been emancipatory in the sense that it has paved the way for the emergence of a popular feminist consciousness. As in most of the Muslim world the legal position of the man's head-ship of the family has not been the subject of reform in Iran. However, it should be noted that due to opposition by gender activists some of the initial family rights granted to men in such a total and complete way have been gradually watered down (Paidar 1995). For example, the husband's right to prevent his wife from taking up employment has been limited: the High Council of the Judiciary ruled that if a woman worked before marriage or

⁷² This has been recorded in several Amnesty International reports and the *Parliamentary Human Rights Group* pamphlet November 1994.

took a job with her husband's agreement after marriage, he could not lawfully prevent her from continuing work. Furthermore, even if the wife started work without the husband's permission he could only prevent her if the job could be proved to be contrary to the interests and reputation of her family. A new marriage contract was devised to help women have some control over the kind of marriage they entered into and described those infringements of women's rights that could give them the right to initiate divorce. These included clauses such as the husband's refusal to pay maintenance, serious misbehaviour on his part and his long-term illness or insanity. Whilst most of these stipulations had already existed within the *Family Protection Law*, the 1992 amendments broke new ground by introducing the concept of domestic wages (*ujrat al-mithl*) and substantially restricting men's right to repudiation (*talaaq*). In some ways, these amendments amount to a complete reversal of the early ruling of the Revolutionary Council dismantling the *Family Protection Law* of 1967.

4.7 Internationalisation

New trends are emerging within the gender activist discourse. Women are organising themselves at both national and international levels. In the Muslim world this has included a large number of independent non-governmental organisations (Hatem 1993). These groups reflect the greater confidence of Muslim middle-class women who are developing critical analyses of their societies and their positions within them. They attempt to cover social and political events and offer sophisticated perspectives on women's lives. Many of these movements aim to create information and support networks at an international level in the Muslim world. The American-based organisation *Karamah: Muslim Women Lawyers for Human Rights* attempts to provide detailed jurisprudential evidence in support of their claim that when interpreted properly Islam is humane and gender-egalitarian. *Karamah* argue for a 'womanist' position as opposed to a feminist position. They argue that "a 'womanist' is committed to survival and wholeness of an entire people, male and female" (Karamah 1995). At the recent Fourth World Conference on Women in Beijing, *Karamah* argued that "Islam is not an ancient Eastern religion, but a vibrant Western religion too. There are today no less than five million Muslims in the United States alone. Many observant, often veiled American Muslim women are doctors, lawyers and professors. This should not come as a surprise to anyone, because *Islam does not oppress*

women, *Patriarchy does*' [my italics] (Karamah 1995). Another American-based organisation *Muslim Women's League* takes the position that Islam has mandated equality between men and women and that any practice of belief which oppresses women cannot be justified through Islamic teachings (MWL 1995).

One important organisation that provides an international information and support network is the Paris-based *Women Living Under Muslim Laws*. This organisation aims to defend women's rights by raising awareness of the situation of Muslim women in different communities. Through an exchange of information women are made aware that practices such as female circumcision, seclusion of women and the giving of dowries have more to do with tradition and culture than religion *per se*. Thus internationalisation allows the identification of cultural traditional elements incorporated into Muslim practices and unfairly presented as part of religion in a specific region. Internationalisation has meant that interesting variations in Muslim law can be used for women's benefit. Women have been made aware of rights of women in Islam (such as inheritance rights and access to divorce) which had previously been denied them in traditional practice (Helie-Lucas 1994). The variations in the condition of Muslim women's lives in different societies explodes the myth of a single homogenous Muslim world (Shaheed 1994, Helie-Lucas 1994). Thus many women argue that in view of these variations and since the oppression and non-oppression of women is channelled through religion, there ought therefore to be a universal improvement in women's condition in all Muslim countries - with the 'oppressed' women gaining the benefits enjoyed by women in other Muslim societies. Furthermore, the political necessity and eventual submission of religious authorities to political power comes out quite clearly (Helie-Lucas 1993). For example, the attitude towards contraception has varied from mere toleration followed by encouragement and then to its banning depending on the demographic requirements (Helie-Lucas 1993:222).

In the past few years women from Muslim countries have organised many meetings and conferences for the purpose of exchanging information and creating active forms of solidarity. In 1985 AWSA (*Arab Women's Solidarity Association*) gathered together women from the Arab world to attend in Egypt; in 1986 the *Simorgh Association* gathered in Pakistan women from the Muslim communities in Asia and the Arab world; in 1986 WLUML (*Women Living Under Muslim Laws*) gathered women from Muslim

communities of the Arab world, Africa and Asia. WLUML also organised a conference on the theme "Women, Religion and Personal Law" in 1987. These initiatives are increasing the comparative analysis of laws most unfavourable to women and the setting up of international working groups. This kind of internationalisation provides an invigorating atmosphere and broadens the gender-activist discourse from the narrow confines of each local setting. The global Islamisation phenomenon is thus being paralleled by a global gender activist discourse.

Patriarchal Women or Islamist Feminists?

Many women are critical of the ideals of equality formulated in the Western liberation paradigm. They ask whether 'sexual equality' is a good thing after all. Islamist women seem to have opted for complementarity and strictly defined gender roles. The mass support of women for Islamism, as evidenced in the Iranian revolution and the contemporary Islamist movements in Egypt, has perplexed social scientists and Western feminists - not to mention the non-Islamist women of Muslim countries. The question that is constantly begged is why should women seek to want to partake in their own subordination? Many non-Islamist women feel the Islamist 'return to Islam' to be regressive and backward. They feel threatened by the rapid spread of Islamism and fear the deprivation of many of the rights women have struggled for, and achieved, this Century. These non-Islamist women have often internalised the popular media image of 'fundamentalism' being as fanatical, irrational, anti-modern and misogynistic. So, is Islamism always opposed to women's rights and autonomy? Does it deny women educational and employment opportunities. Have the movements succeeded in making their 'ideal Muslim woman (the home-making, self-sacrificing mother and wife) a reality? What are the implications of Islamist politics for feminism and concepts of women's emancipation? Can one find any 'feminist'-type activity within the Islamist movements themselves? Can Islamist and non-Islamist women ever unite?

The growing strength and popular appeal of Islamism can be seen in the increasing presence of *hijab*-clad women on the streets of Middle-Eastern and Western cities. The *hijab* acts as a powerful visual symbol. Islamists feel it important that a Muslim can be immediately identifiable by his or her attire and appearance. This identification of religious

identity is felt to be most important for women since they are the most vulnerable to 'Westoxication'. The issue of the *hijab* is intimately connected to questions of women's sexuality and their roles in society. At present there is intense pressure on Muslim women to keep to the strict confines of their culture and tradition. As such, debates are continuing to take place on women's public behaviour, their rights to education and employment and their legal subordination to their husband's authority.

5.1 *Hijab*: the Islamist Uniform

The *hijab* or veil is today the uniform and hall-mark for Islamist women world-wide. It has become the symbol of returning to an 'original' Islam and an authentic indigenous culture. Seen as a symbol of oppression, traditionalism and backwardness in the discourse of colonial domination, the veil was given up by most upper-class and middle-class Muslim women in the early part of this Century. However, it has recently made a global comeback during the period of Islamisation over the last two decades. The *hijab* and its associated qualities of religious modesty are emphasised by Islamists partly as a rejection of the immorality of the West and the Western woman. In a reversal of Orientalism (or, as is sometimes referred to, Occidentalism) Islamists project the Western 'Other' as sexually perverse, immoral and corrupt. It was the earlier discourse of colonial domination that initially determined the meaning of the veil in geopolitical discourse and thereby set the terms for its emergence as a symbol of resistance (Ahmed 1992:253). From a global historical perspective changes in style of dress and notions of 'appropriate female attire' are driven as much by the market as by changing social mores and political climate (Watson 1994:151). The West has had a tremendous impact on the style of dress and fashion in the Middle-East in the past. Thus it is possible to see the new veiling as part of the resistance to and reversal of this process. Although male attire has undergone a similar 'de-Westernisation' - with, *e.g.*, the tie being shunned as a symbol of Western dress - greater emphasis has been placed on women's appearance.

Many authors have been concerned with the baffling phenomenon of re-veiling and have considered it to represent a regression into traditional systems of patriarchy. In the case of Iran commentators saw a contradiction between the political and social behaviour of Muslim women who, on the one hand, actively participated in revolutionary politics and

yet, on the other hand, socially clothed themselves in traditional ways with *hijab* and *chador*. “To Western and non-Islamist minds such traditional clothes still represented an imprisoned existence and a subordinate female status” (Ramazani 1983:20). The Muslim woman thus continues to be seen as trapped, oppressed and subjugated. In Iran the issue of the veil became a major arena of conflict between the forces of modernity and Islamic authenticity. In 1936 Reza Shah banned the wearing of the veil as a part of his modernising crusade: it was seen as a badge of backwardness and a marker of class. Veiled women were arrested and their veils were forcibly removed. The revolutionary years that followed saw politically-active women students consciously adopting the *hijab* and *chador* as a symbol of protest to the Shah’s Westernising regime. Following the Islamic Revolution, appearing in public unveiled became a criminal offence in 1983.

Aside from being a symbol of identity, compulsory veiling in Iran today is also a mechanism of social control. It represents the regulation of women and the imposition on them of an idealised construct of womanhood and community (Papanek 1994). It symbolises a lack of choice in the selection of identity: identity in the form of *hijab* is imposed. Although there is no overt dissent on the issue of the *hijab*, many middle-class educated women remain opposed to it (Gerami 1994). They believe compulsory veiling has no religious sanction and negates the very purpose of *hijab* whose observance, in their view, must remain a personal decision incumbent only upon those who believe in it. Mir-Hosseini has described the subtle defiance of veiling amongst Iranian women opposed to the imposition of public veiling by describing them as ‘bad-*hijabi*’ (or ‘incorrect veiling’) (Mir-Hosseini 1995). The phenomenon of the bad-*hijabi*, which is quite widespread and seen as a major problem by the Islamic Republic, involves leaving hair partially uncovered to show off the latest hair-styles and fashions (Mir-Hosseini 1995:11). Bright colourful clothing and patterned scarves are also classified as bad-*hijabi*.

There is a general Islamic consensus that there are certain parts of the body that must be concealed in order to avoid shame and preserve modesty. Although both Islamist and non-Islamist Muslim women agree on the importance of the Qur’anic concept of this modesty, they disagree on the definition of ‘modesty’. Thus one aspect of the debate is whether or not the wearing of the veil is demanded as an absolute religious obligation. Islamists, in agreement with the majority orthodox conservative interpretation, have a perception that

the hair and the entire female form must be covered. For example, Badawi in his instructions on *The Muslim Woman's Dress* stresses that the dress must cover the whole body except for the areas specifically exempted (Badawi 1980:5). Those areas which are exempted are the face and the hands alone⁷³. To be a true Muslim a woman one has to wear the 'Islamic dress' (of the veil) and not to do so would mean that her faith had been shattered. Non-Islamists, however, generally support the modernist contention that whilst modesty is encouraged in Islam, seclusion and the *hijab* were enjoined on the Prophet's wives alone. The modernist gender activist discourse explains veiling as being a non-Arab elite custom adopted by Muslims to symbolise their growing power and status. Thus they consider the veil to represent a status symbol, and therefore clearly at odds with the egalitarian inspiration and ethos of Islam.

The concept of modesty is clearly associated with sexuality in Islamic thought⁷⁴. The Qur'anic injunctions to men and women to guard their modesty and cover their nakedness provides the basis for the regulation of behaviour, the segregation of the sexes and proper dress. According to orthodox interpretations and traditional practice in considerable parts of the Muslim world, the interaction of men and women not related by blood or marriage is permissible only in carefully controlled circumstances. The Qur'anic concept of modesty and its implication for licit and illicit sexual relations applies equally to both men and women. However, interpretation has tended to give primary focus to the dangers that women's sexuality pose to the social order (Mernissi 1985, Sabbah 1984). Mernissi has pointed out that far from being seen as passive women's sexuality is actually seen as strong, active and dangerous to the Islamic social order (Mernissi 1985). Unless carefully controlled, sexuality and passion could lead to *fitna* (disorder or chaos). The voracious sexual appetite of women and their permanent search for pleasure has the potential for subversion of the social order (Sabbah 1984). Similar to Orientalist projection of uncontrolled sexuality onto the Arab/Muslim 'Other', the orthodox Islamic discourse projects such onto the female. The control of active female sexuality is thus part of the orthodox interpretation of the Islamic message. Muslim wariness of heterosexual and emotional bonds is embodied in sexual segregation and arranged marriage. Segregation

⁷³ There is disagreement amongst conservative Islamic scholars as to whether the face should be covered.

⁷⁴ Sabbah 1984, Mernissi 1985, Watson 1994

and *pardah* are also supported in the Arab-Islamic discourse through the notion that the male gaze automatically defiles and dishonours (Malti-Douglas 1991).

In conjunction with the *hijab*, segregation of the sexes is also an important issue for Islamists in their endeavour to practise a pure Islam, unadulterated by corrupt Western customs. They argue that the mixing of unrelated men and women is religiously unlawful. The *Hadith* and the Qur'an in their conservative interpretation both teach that the Muslim woman is forbidden to mingle with strange men and that she may not work outside of her home. With reference to the West Mawdudi argued that "The free intermingling of the sexes has brought in its wake an ever-growing tendency towards showing off, nudeness and sex perversion" (Mawdudi 1986:15). The conservative discourse differs radically from the modernist one on the issue of women's participation in public life and her right to work. The dominant Islamist position, echoes the conservative view-point that men and women are created with natural instincts of sexual attraction and, thus, free-mixing would lead to the inciting of fornication and adultery. They stress that the *Shari'ah* sets out rules for male and female interaction that pre-empt the possibility of sexual attraction. Islamist gender activists, however, promote the more liberal view that work outside the home which involves the mixing of the sexes is acceptable, although not obligatory, providing the woman is suitably attired. The *hijab* or Islamic dress has, ironically, actually made it possible for women to venture out into mixed-sex environments. Nevertheless since segregation is the ideal, Islamists are campaigning for sexually segregated educational institutions, businesses, and hospitals. As a covering for shameful nakedness the *hijab* may be viewed as a robe of piety that signals the wearer's modesty and religiosity. Islamists emphasise that the veil or Islamic clothing is only the **outer** *hijab*. More important is the **inner** *hijab*: a particular state of mind and behaviour indicative of modesty and piety. However, the inner and the outer are not mutually exclusive but are intertwined: the inner is not possible to be achieved without the outer.

Linguistic analysis shows that the Arab-Islamic concept of *hijab* is a multifaceted one with many different connotations. *Hijab* literally means 'curtain' and the verb *hajaba* means 'to hide or to seclude'. Mernissi argues that the Verse in the Qur'an used to argue for *hijab*⁷⁵ was revealed commanding the division of space into public and private realms and

⁷⁵ Qur'an 33:53. "...and when you ask (the wives of the Prophet) for anything ye want, as them from before a screen: that makes for greater purity for their hearts and yours...."

did not refer to the covering-up of women at all (Mernissi 1991:85). Furthermore, in its negative context in the Qur'an the *hijab* is a veil that hides God from men. It is also signifies deafness and diminished intelligence. Mernissi comments that it is noteworthy that today the *hijab*, the very sign of the person who is excluded from spiritual grace, is claimed as a symbol of Muslim woman and Muslim identity (Mernissi 1991:97).

There is a multiplicity of arguments about the meaning and significance of the veil in past and present societies (Watson 1994). The institution of veiling is complexly differentiated. There are a wide range of styles of veil, ranging from the uniform black cloaks worn by women in post-Revolution Iran to the exclusive designer scarves of women of the new elite in Egypt. What is called the 'veil' in English does not correspond to any single term in Arabic. Veiling has traditionally been required of women when they appear in public and it has taken diverse forms according to the cultural setting: the tent-like Afghan *burqa*; the Iranian *chador*; the face mask of the Gulf region; and, the kerchief covering the lower part of the face in North Africa. Often when the loose clothing of the veil is taken off in private family settings it reveals fashionable clothing underneath. Thus the private bodies of these women, which are flirtatious and seductive, are unrelated to their public bodies (Abu Odeh 1993). The *hijab* is only one element in the contemporary urban Islamist uniform, or *al-ziyy al-Islami*⁷⁶ as it is sometimes known. The Islamist uniform adopts what is essentially quite a new style but which is intended to conform to what is considered to be the Islamic requirements of modest dress; that which is not sexually enticing. Whilst Western attire pushes women to be seductive, sexy and sexual the Islamic dress pushes them to be prudish, conservative and asexual.

Considering the recent anthropological post-structuralist emphasis on polyvocality, it is important to consider the Islamists' own views on the veil and its significance. Interviews of young Islamist women in Egypt reveal a wide diversity of responses towards veiling. The range of views represented in the women's accounts suggests that there is no single Islamic attitude towards the *hijab* (Watson 1994). Although social pressure may be an important factor in re-veiling, it is explained by young women to be a matter of personal choice, a way of making a statement about one's social position and, at the same time, a

⁷⁶ *Al-ziyy al-Islami* refers to a certain dress code and largely consists of a variety of styles of headgear (and sometimes face coverings) and garments that are loose-fitting, ankle-length and long sleeved (El-Guindi 1981).

way of conforming to a religious duty (El-Guindi 1981, Ahmed 1992⁷⁷). The modern head-scarf or Islamic dress has become the prime marker differentiating Islamist women and non-Islamist women. In Egypt re-veiling first made its appearance amongst university students in major urban centres in the 1970's (El-Guindi 1981:465). The veil that appeared then differed greatly in appearance and practical implications from the veil rejected by upper-class women earlier this Century. The older version of the veil, practised mostly by the upper classes in Egypt, involved complete veiling combined with seclusion. In contrast, the new *al-ziyy al-Islami* Islamic dress is said to be potentially liberating in that it often offers a new mobility to young women from traditional backgrounds. It is seen by wearers as liberating them from the heavy burden of sexuality. At a more practical level the Islamic dress is also said to protect women from male harassment. Furthermore, wearing the dress signals the wearer's adherence to an Islamic moral and sexual code, thus allowing women to strike up friendships with men without fear of being dubbed immoral. As in other Muslim countries, in Iran the current orthodox form of *hijab* is largely an urban phenomenon and an issue for educated, working women. Evidently there are clear advantages for women who venture daily into co-educational campuses and sexually integrated work places. However, whilst the veil is liberating and empowering in many ways the spatial and functional segregation between the sexes - as envisaged by the Islamist ideology for the workplace - could seriously affect the career prospects of veiled women. Since they work in a world where men are already the decision-makers, and the higher situated in the hierarchy of the workplace, minimising contact between men and women may potentially further isolate women from the positions of power and decision making.

5.2 Women's Support for Islamism

As detailed before⁷⁸, there are elements of a class war in young people's support for Islamist movements. In Egypt and other parts of the Middle-East there are a number of common factors in the composition of people affiliating with the Islamic trend, in the problems confronting them, and in the strategies to which they are resorting to in seeking to cope with those problems. Typically from the middle and lower middle-classes, they are

⁷⁷ Ahmed cites Zeinab Radwan *Thabirat al hijab*

⁷⁸ see section 2.3 *ante*.

educated and professionally upwardly mobile although often frustrated in achieving their aspirations. They are usually confronting cosmopolitan city life for the first time and are generally the first generation of women in their family to emerge socially into a sexually integrated world (Ahmed 1992:223). For women, joining Islamic groups often brings comfort by providing a sense of community. Religious movements provide space for them to legitimately study, work and be politically and publicly active with virtue and modesty (*ibid*). The oppositionist status of Islamists has made female activism more necessary and therefore acceptable within the universities and outside them. The range of activities of these women include meetings, reading group attendance, participation in public prayers, *etc.* These activities are socially and politically important because they represent an identification with a set of goals and an authority outside of the family, government or state institutions (Zuhur 1992).

Islamist discourse and conflicts of interests on women's rights and their position in society have been largely between 'fundamentalist' men and 'non-fundamentalist' women (Mernissi 1988). With reference to Pakistan, Mumtaz writes that women belonging to older professional classes of the dominant elite have over the years managed to expand the economic, social and psychological space for themselves and present a dilemma to men (Mumtaz 1994:236). They have entered spheres of activity in politics and in professions previously considered to be solely male domains. They assert their right to be treated as equals, to be allowed to exercise choices and not to be discriminated on the basis of gender. Despite being numerically small, such women disturb men even when they are neither in competition with them for jobs nor likely to interact socially with them (*ibid*). They pose an indirect threat for Islamist men because they suggest a real possibility for change for women of the lower classes. In many Muslim countries upper-middle-class educated women are viewed as agents of imperialist culture who have lost their identity and become Western, complete with ideas about feminism, liberalism, Marxism, *etc.* Westernisation is seen to destroy society through these women, by depriving them of chastity, modesty and honour via notions of autonomy and sex appeal. Much of the discourse and polemic of Islamist men against professional non-Islamist women is internalised and reiterated by Islamist women themselves. Thus Islamist women and their organisations attack Western style feminism and feminist activists using the religious idiom. Islamist women condemn non-Islamist women as being Westernised and alienated

from their own culture. Although Islamist women attack non-Islamist Muslims on the question of the veil, throughout Islamic history it was only a part of the urban classes who were veiled and secluded, whilst rural and nomadic women - who made up the majority of the population - were not. Even today many rural Muslim women work the fields and go unveiled; yet they are not the focus of the Islamists' wrath.

Islamist women point out the inner ease and resolution that is described as a feeling of peace or centeredness, which is brought about by the formal or public aligning of oneself with Islam (Ahmed 1991, Zuhur 1992). However, one should stress that a personal choice in becoming Islamist is very different from state-imposed Islamism, as in Iran. Shahin Gerami's survey found that notwithstanding years of mass propaganda and restrictive policies middle-class Iranian women in Tehran did not support Islamism (Gerami 1994:346). Neither had they internalised the gender identity that the Republic had decreed for them. This clearly shows that a sex-segregated ideal society envisioned by the revolutionary leaders had failed to enlist the middle-class women's support. However, there continues to be strong support by lower or lower middle-class women for Islamism, even in cases when it is state imposed such as in Iran and Sudan.

Sudan provides an interesting example of women's responses to social change and the rise of Islamist movements. In Sudan Islamisation began in 1983 with the attempt to enforce the *Shari'ah*. Islamic law gained precedence over civil and customary law, leaving women in a contradictory position. Similar to the situation in Iran, several discriminatory measures were taken against women. However, notwithstanding such action by the State, Sondra Hale has found that there is enthusiastic mass support by women for the Islamist *National Islamic Front* (NIF) organisation in Sudan and, indeed, that the women activists were amongst the most visible and active supporters (Hale 1994). In her interviews with several leading activists Hale found that these women believed that the *Shari'ah* gave them equal rights to men. Whilst one could argue that such views are simply the result of an internalisation of patriarchal thinking and false consciousness, an alternative interpretation would be that these women are trying to formulate a type of Islamist feminism. Hale found, much to her surprise, that the activist women all agreed that men oppressed women, that Arabs had a low opinion of women and that Arab men tried to give a false idea to women about their rights under the *Shari'ah* (Hale 1994:160). These women are

actively pursuing change in the status of women, but within their own perception of an Islamist framework.

Does being Islamist mean compliance with patriarchy and male dominance? Kandiyoti argues that many Islamist women consciously choose to accommodate 'patriarchy' in order to gain certain benefits (Kandiyoti 1988). Thus Khomeini's exhortations to keep women at home found enthusiastic support amongst many Iranian women despite the obvious elements of repression in it because the implicit promise of increased male responsibility was attractive to women faced with the uncertainties of survival in the modern world. Thus younger women adopted the veil since the restriction imposed on them by an Islamic order was only a small price to be paid in exchange for the security, stability and presumed respect this order promised them. For some conservative Islamist women identity-politics offers security and stability (Moghadam 1994:19). This stability lies in clearly defined sex roles, family life and a religious orientation. They are psychologically alienated from the notion of sexual liberation, individualism and the secular world-view. They fear the breakdown of the family and the moral universe and blame feminism for it. Although the majority of Muslim and Islamist women may be socially conservative, it can be seen that unexpected forms of gender activism and consciousness have emerged from within the religious framework itself.

5.3 The Islamist Gender Activist Discourse

The gender activism of Islamist women is promoting a discourse that has some important common strands with the types of feminism of modernist gender activists as well as the more secular based gender activists. The Islamist gender activists aim to reclaim religion and find a liberation theory for women from within Islam. The pioneers amongst these are struggling against the patriarchal dictates of the dominant Islamist discourse. We have seen that all over the Muslim world, even in Iran where there is state-imposed gender hierarchy, Islamist women are speaking out. A more radical and critical approach to gender is now evident in the Islamic Republic. Educated and employed Islamist women are involved in generating this discourse. Important leaders of this movement in Iran

include women such as Azam Taleqani⁷⁹ and Zahra Rahnavard⁸⁰. Taleqani founded the *Women's Society of the Islamic Revolution*, a body which has had some success in defending women's rights in Iran (Afshar 1994:17). Similarly Rahnavard denounced discrimination against women on religious and political grounds (*ibid*). Most importantly the legitimacy accorded to Islamist women and the consolidation of the Islamic Republic has resulted in a relaxation of previously rigid gender codes.

In Egypt today veteran Islamist al-Ghazali is continuing her earlier activism after six years in prison, inspiring and mobilising young women who gather at her home. Al-Ghazali exalts women's domestic roles (and does so by demonstrating by personal example) and encourages the importance of *da'wa* - the winning of people over to the true Islam. The main gender activist ideologues for Egyptian Islamist women include Safinaz Kasim and Salwa Bakr. Kasim is a writer and journalist who writes within the context of Islamist journalism and Bakr records women's recent history in fictional form. In Sudan Islamist activist women of the NIF, such as Wisal al-Mahdi (Dr Turabi's wife) and Hikmat Sid-Ahmed, argue for opposition to Arab patriarchal customs by the promotion of 'true' Islam (Hale 1994). International conferences are being organised on gender issues inviting women from all over the Muslim world. In Egypt and Iran the Islamist gender activist discourse is being carried forward by journals such as *Hajir*, *Payam-e-Hajar* and *Zanan*. Islamist women's organisations and voluntary groups have been actively promoting women's rights and 'feminist consciousness'. At a more practical level activists and organisations have been fighting for equal opportunities in public and political life. In many countries Islamic welfare work has been a dominant function of women's organisations.

Islamist gender activist women argue that the West and secular Western feminism have failed them. They dismiss Western feminism for being one of the main instruments of colonialism and causing family breakdown. With reference to the drastic influence of feminism in the West Islamist author Sarah Sherrif writes:

⁷⁹ Daughter of the late leader Ayatollah Taleqani and member of the first post-revolutionary Parliament

⁸⁰ A leading Islamic feminist and wife of the previous Iranian Prime Minister

“Western families and Western society are in crisis because women have been forced to live a life devoid of personality and individuality. Alienation is increasing, suicides are increasing, loneliness and depression are up, Divorce and separation are rising, women are being exploited like never before for commercial and other less savoury purposes....” (Sheriff 1989:4)

Islamist women believe that by concentrating on labour market analysis and offering the experiences of a minority of white and affluent middle-class women as the norm, Western feminists have developed an analysis which is all but irrelevant to the majority of women in the Third World. They expound the view that Western style feminist struggles have only liberated women to the extent that they are prepared to become sex objects and market their sexuality to benefit patriarchal capitalism (Afshar 1994:16). Islamists thus argue that a stricter adherence to Islam and a return to the roots of the faith will yield true enlightenment and liberation for women:

“Muslim women, in contrast (to Western women) secured the same and indeed greater rights and freedoms over 1400 years ago with the advent of Islam.... These rights and the honourable role envisaged for Muslim women implied by them, prove without doubt that Islam is neither backward nor repressive in respect of its treatment of women” (Sheriff 1989:5)

One of the main exponents of the Islamist discourse Zahra Rahnavard argues that Western feminism and capitalism marginalise and denigrate motherhood, femininity and familial responsibilities (Afshar 1994:5). She argues that Western feminists have failed to alter the labour market to accommodate women’s needs and at the same time women have lost the benefits they once obtained in matrimony. The failure of Western feminism to carve an honoured and recognised space for marriage and motherhood and its denigration of domestic work is one of the biggest grievances of Islamist women.

Islamist discourse portrays a contradictory attitude towards gender. This discourse combines traditional conservative ideas about the role of women whilst, at the same time, accepting the needs of a modern economy. On the one hand the dominant discourse within Islamism emphasises motherhood as a religious duty and a special privilege of women. Thus Islamists argue that women have been made for domesticity and

motherhood and should adopt this role willingly. For some such as Shari'ati, Muttahari and Mawdudi women can only achieve success in terms of their men-folk through daughter-hood, marriage or motherhood. Afshar argues that in many ways fundamentalism is a ratification of motherhood as a respectable role for women to be performed within the domestic sphere and part of its appeal is rooted in its validation of this role (Afshar 1994:21). Thus in contrast to the modernist discourse, Islamist activists generally view women primarily as mothers and wives. The proponents of Islam remain convinced that it is the recognition of the marital and reproductive obligations of women that would bring them earthly and heavenly rewards. While women Islamists such as al-Ghazali and Rahnavard also support this division of labour and women placed within the sphere of domesticity, the example of their own lives has been to deny women's relegation to pure domesticity. Islamist movements now exhibit a degree of flexibility in their position on women. They encourage education for women. However, this encouragement is often rationalised as addressing the need to have informed mothers, women teachers and doctors in a segregated society. Whilst extolling the virtues of home-making, Islamist women however, continue to go out and pursue higher education and the professions in Pakistan (Shaheed 1988). Although the voice of overt feminism (in Western terms) is absent in present day Egypt the entry of women into university, the professions and public life in unprecedented numbers and the availability of education and professional occupations to women from a broad segment of the population is indicative of 'pro-feminist' ideals and aspirations (Ahmed 1992, Badran 1994).

Since women are the guardians of the home it follows, according to the dominant Islamist discourse, that they have to be dependent on men for their livelihood. Women's economic dependency on men is of paramount importance to the Islamist argument. Due to their violation of the strict segregation codes, working women are seen as threatening the morality and productivity of society. It is mainly for this reason that formal employment is not encouraged for women. The common basis for the conservative viewpoint of women's economic dependency is Verse 34:4⁸¹. The gender activist discourse challenges the notion of permanent economic dependency of wives on husbands. Riffat Hassan has argued that the interpreters of this Verse have chosen the wrong meaning and that what is in fact implied here is merely a permission granted to men to spend their wealth on women

⁸¹ see section 3.3 *ante*.

for the short period of child bearing; *i.e.* the authority to spend is not one that is given to men absolutely and for all times, but only for a specific purpose and for a limited period (Hassan 1988). Rahnavard also points out that the word “authority” is itself a misinterpretation and that what is meant by the Qur’an is a specific allocation of responsibilities for a particular period of time (Afshar 1994:24). Men have not been appointed to rule over women but are given the heavy responsibility of securing a livelihood whilst women get on with the important task of motherhood.

According to the Islamist gender activist discourse, however, women upon marriage do not lose their identity or wealth on marriage and they do have the choice to enter into paid employment outside the home (Afshar 1994:10). Thus it is argued that “if a woman wanted to work, however, any profession permissible for men would be equally permissible for the woman so long as it does not compromise her femininity....” (Sheriff 1989:10). Rahnavard argues that in Qur’anic terms marriage is a flexible arrangement where even though women are expected to be obedient, they can nevertheless expect to be kept in the style to which they had been accustomed to before their marriage. Furthermore, women had the right to include a right of divorce for themselves in their marriage contract. Within the marriage not only are men expected to maintain their wives, but they must also treat them with kindness. Husbands must pay an additional fee to wives who agree to suckle their babies⁸². Islamist gender activists argue that marriage is a domain of mutual intimacy and comfort. Despite the actual traditional practice, Islamist scholars have argued, Islam does not shackle women within marriage, does not bind them to domesticity and, by allowing them a separate property entitlement, in fact makes them independent of their husbands and thus able to fend for themselves.

There are still Islamically condoned practices and institutions which gender activists find difficult to explain and reinterpret. For example, even the most committed gender activists have difficulties in accommodating and explaining the issue of polygamy. Modernist apologists have long argued that the relevant Verse permitting polygamy commands absolute and complete equal treatment for all wives and that this is a near impossibility for all humans except for the Prophet; hence, polygamy was not permitted. The dominant Islamist position, however, sees polygamy as a man’s God-given right valid for all places

⁸² Islamist women cite Qur’an 2:233

and times. Muttahari explains it as being a necessity due to a man's natural greater sexual appetite (Muttahari 1991). Legal scholar Doi argues that a wife may not legally object to the husband's right to take another wife (Doi 1995:11). The attitudes of Islamist women to how men should approach the situation is quite different from those of men. Women argue that polygamy is permitted only in exceptional circumstances and that the husband must ask for the first wife's permission before so doing. It is also possible for a woman to insert a clause in her marriage contract prohibiting her husband from contracting a polygamous union. In Iran opposition to polygamy continues with active campaigning by many activists. According to Rahnavard polygamy was only allowed in early Islam due to that particular moment of history in order to protect orphans and widows: a large number of men had been killed due to wars and women and children were thus left unprotected (Afshar 1994:15). Islamist writer Aisha Lemu sees polygamy as a way of dealing with the surplus of women in society. (Lemu 1978:28). Many Islamist women seek to emphasise the positive aspects of Islam and explain away the negative ones.

5.4 Islamist and Non-Islamist Discourse: Possibility for Reconciliation?

Despite their fundamentally different premises both groups of Islamists and non-Islamist gender activists do show a striking degree of similarity in their pro-feminist stances. Badran writes that since the end of the 1980's in Egypt the position of intellectual women as feminists, pro-feminist and Islamists concerning women's roles in society have been converging (Badran 1994:221). I would argue that this is a global phenomenon. Be it in the Middle-East or in Muslim communities of the West, there is pursuit of the goals of female autonomy and subjectivity either under the idiom of 'feminism' and 'Western dress' or that of 'Islam' and 'the veil'.

Unlike many Islamist and conservative men who emphasise the natural intellectual inferiority and irrationality of women, gender activist women see men and women to be of equal mental capacity. As was expected, interviews of veiled and unveiled women in Egypt revealed that veiled women were consistently more conservative and less feminist

than their unveiled sisters⁸³ (Ahmed 1992:227). Regarding women's education and professional achievements, unveiled women argued for more gender egalitarian positions. However, Ahmed points out that what was even more interesting about the interviews was the striking number of similarities between the two groups: in both cases the overwhelming majority of veiled and non-veiled women supported women's rights to education and to work. They also supported equality in public life and political rights. The contrast to the dominant Islamist male point of view is thus evident and it is also apparent that many women's views do not conform to the conventional notion that a woman's place is at home, without political rights, and without rights to paid employment outside the home. Apart from fundamental disagreements over the issue of *hijab* and the necessity for an Islamic state, many non-Islamist women in Egypt hold similar views to Islamist women in their ideals and values⁸⁴. Non-Islamist women too reiterate a disenchantment with the Western model of women's status. Muslim women throughout the world today echo the view that the family is the centre of society: "Women consider their reproductive roles and the nurturing of children as of paramount importance" (Zuhur 1992:113). At least in rhetoric they constantly point out that their maternal duties should be placed before concerns such as marital happiness, public service or self-fulfilment (Ahmed 1992, Gerami 1994).

From her intensive research in Egypt based on interviews, Sherifa Zuhur found that despite the rhetoric of 'family', unveiled women gave a lot of importance to careers and self-fulfilment (Zuhur 1992:114). They pointed out that the Qur'an itself supported the right of women to work and to gain recompense for their labour. These women listed examples from Islamic history of women who ruled or who controlled property in their own right or who were consulted for their knowledge as evidence that women did, throughout history, hold other roles in addition to the family one (*ibid*). They stressed the examples of the Prophet's own wives: Khadija was a business woman; A'isha was politically active and head of an army that went to war. It is evident that unveiled women are employing such historical references mainly to support women's right to work with the same degree of conviction that veiled women had shown when they used historical examples to support veiling or education for women. Women obviously enter the workforce in different

⁸³ Ahmed cites Zeinab Radwan *Thabirat al hijab*

⁸⁴ Ahmed 1992, Zuhur 1992, Badran 1994

sectors and with differing motivations (Zuhur 1992)⁸⁵. Whilst educated middle-class women enter the professions and view employment as an ideological commitment for the assertion of rights and independence women of the lower classes, however, often enter work due to economic necessity. Zuhur found that unveiled women were generally more politicised and possessed of a civic consciousness than were the veiled women (Zuhur 1992:114).

Non-Islamist women agree with the general Islamic idea that male and female sexuality should be controlled to some degree through the socialisation process and individual self-control (Zuhur1992:115). They also believe that sex must be confined to marriage and they reiterate the Islamist argument that Western crime, drug abuse and psychological problems are due in part to relaxed sexual standards. However, non-Islamist women tend to emphasise the importance of self-control rather than strictly imposed *hijab* and sexual segregation (*ibid*). Women are used to many areas of sexual segregation traditional to Egyptian social intercourse. Nevertheless, the use of the *hijab* and sexual segregation in public institutions such as schools and hospitals are seen by non-Islamist women to be retrogressive and an imposition on their rights as individuals. Non-veiled women feel insulted by Islamist suggestions that they themselves are immodest and represent sources of temptation for men at their jobs.

Although they do agree on the importance of women's roles as wives and mothers, non-Islamist women are keener to stress their equality to men with respect to their rights and responsibilities (Zuhur 1992:117). They take pride in their accomplishments in and out of the home and expects others to admire their efforts at education or self-education. Middle-class women in Iran reject the idea of women's intellectual inferiority (Gerami 1994:345). According to Gerami's findings, men's unilateral power is questioned and woman's rights in decision-making at the family level are recognised. However, despite their articulation of certain feminist positions these women also believe that ultimately men are the better decision-makers. Despite their pursuit of careers non-Islamist women too continue to dominate the running of their households. However, non-Islamist women give

⁸⁵ Zuhur quotes from research undertaken by Marei, Wafaa Abou-Negm "Female Emancipation and Changing Political Leadership" Ph.D. dissertation Department of Political Science, Rutgers University 1978

great importance to their participation in the public sphere and see this participation as a moral, intellectual and national duty.

The views amongst Islamist and non Islamist women about the role of women in society do not conform totally to the views identified with traditional Islam and encoded in the *Shari'ah*. It would seem that the majority of young Islamist women have only a vague idea of the technicalities enshrined in establishment Islam. Ahmed is of the view that the young women and men affiliating with Islam are listening to its ethical voice reiterating the equal humanity of all, instead of the gender hierarchy ingrained in the technical, legal and doctrinal Islam (Ahmed 1992:229). Some Islamist women, especially those of the older generation, have internalised patriarchal thinking even though at times they act in contrary ways. On the other hand, gender activist women who are aware of the discriminatory laws are contesting the traditional interpretations. Younger Islamist women are beginning to question male dominance and to see it as transgressing the bounds of correct Islamic thinking. They are creating a radical gender activist strand within Islamism. Thus it seems possible that the new generation of intellectual women will probably produce a gender reconfiguration from within the Islamist movement (Badran 1994). Women's activism within the movement has increased gender consciousness and is bringing about changes in the attitude towards gender. Islamist women are becoming more political and more demanding of the men within their own movements. They are asserting their right to criticise gender discrimination and are using language similar to that used by women's rights activists in other countries.

5.5 Radical Islamist Gender Activism

Some Islamist activist women are demonstrating a greater degree of openness to change and an eagerness for dialogue. Islamist progressive discourse on gender is being moved in a new direction by Heba Rauf Ezzat⁸⁶, a young Islamist graduate student of political science at Cairo University (El-Gawhary 1994). Active within the Islamist movement, she is known for her academic research on women's political role from the perspective of political Islam and its theory. Ezzat is evoking a new discourse on women, politics and

⁸⁶ Ezzat edits the women's page in *al-Sha'ab*, a weekly opposition newspaper published by a coalition of the Muslim Brotherhood and the Labour Party.

political sociology that is seen as rather liberal and radical within the Islamist movement. Such liberal attitudes on gender that are also espoused by men such as Dr. Hassan al-Turabi and Al-Ghazali are currently causing much uproar within the Islamist movement (Abu Shehab 1993). Dr al-Turabi argues for an enlarged social role for Muslim women, including her right to fully participate in the political process as well as to stand for any public office except that of *Khalifa* (Bashier (1980:13). He asserts the permissibility of the intermingling of the two sexes in places of worship, in education and in family gatherings.

Similar to various other gender activists, Ezzat examines the early sources of religion and Islamic history in order to evolve a theory of women's liberation (Badran 1995:213). Al-Ghazali recognises that women do not enjoy the rights accorded to them by religion. However, she disagrees with the dominant discourse of Islamists that relegates women to a domestic role. She sees Muslim women's enjoyment in practice of their lawful rights as a step towards the realisation of a true Islamic society. Ezzat does not accuse the whole of the *fiqh* of being patriarchal (el-Gawhary 1994:26). Like the theologian Riffat Hassan, Ezzat uses the orthodox methodology to interpret the Qur'an and *Sunnah* and they both reach quite different conclusions to the orthodox view. Both Hassan and Ezzat challenge hierarchical power relations within the family. They consider it necessary to establish more egalitarian relations within the family. Ezzat stresses the Islamic concept of *shura* (consultation) as opposed to 'a totalitarian patriarchal system' (el-Gawhary 1994:27). She wishes to see a kind of "democratisation of the man-woman relationship inside a family structure" (*ibid*).

Despite the shared concerns, Ezzat's political orientation is fundamentally different from secular feminists and modernist gender activists such as Riffat Hassan. Hassan wishes for the feminist movement to be religiously rooted in Islam. She argues that it is necessary to present the positive content of the Qur'an that has been lost due to centuries of misogynistic interpretation. Ezzat's interpretation of Islam, however, is very different. She defines herself as an Islamist and rejects the label 'Islamic feminist'. Ezzat argues that women's liberation in society should rely on Islam alone (el-Gawhary 1994:26). This, she argues, necessitates a revival of Islamic thought and a renewal within Islamic jurisprudence. Although she rejects the term 'feminism' Ezzat is, in essence, looking for a

way to express much of what feminism at its base level in fact connotes (Badran 1994:213).

Ezzat is of the view that the New Right has more to offer Muslim feminists than radical or Leftist feminism (Badran 1994:214). The New Right in America is a conservative movement that emerged as a counter reaction to feminism and the civil rights movement. Women are an important visible presence throughout the movement. Similar to the Islamist mission the New Right activists believe their special mission is to restore America to health, to regenerate religious belief and to renew faith, morality and decency. Klatch has demarcated two trends within the New Right movement: the social conservatives and the laissez-faire conservatives (Klatch 1994). Whilst the social conservatives blame feminism as being one of the primary forces of moral decay, laissez-faire conservatives in contrast actually adhere to part of the feminist vision (Klatch 1994:374). This identification by Ezzat of herself with the New Right seemingly puts her into a very conservative position on the gender question. In many ways the gender activism of Islamist women and the New Right reminds us of the very early stirrings of 'feminist consciousness' in the West and the Middle-East. At the beginning of this Century Women such as Margaret Mead argued for women's access to education and public spheres whilst ascribing to the vision of women as feminine and supportive home-making mothers and wives.

However Ezzat's position on women's education and work can be seen as quite 'progressive' sharing much in common with modernist gender activists and secular feminists. For example, whilst most conservative religious activists call for the return of working women to the home, Ezzat does not. Although Ezzat stresses the importance of the family, she feels that women should have the freedom of choice between different roles such as pursuing careers or being primarily wives and mothers (el-Gawhary 1994:27). In her view, the respect of society should focus on women's active participation within and outside their homes. Ezzat contests any separation between the public and private spheres and argues that rules that apply in the political arena should also be valid for the family (*ibid*). She wishes to deconstruct the public-private dichotomy that is dominant in Western and Islamic thought. This dichotomy gives priority either to family life or to public life. Breaking the dichotomy, Ezzat argues, would give housewives more social

esteem and encourage working women to fulfil their roles as good wives and mothers. Her own interpretation of Islam does not embody such polaristic perceptions. She argues that private is political, not in the feminist aggressive sense, but in the sense of 'Islamic solidarity' and the importance of social infra-structure (Hassan 1994:27).

The magazine *Zanan*, which basically holds very similar viewpoints to Ezzat, is leading a parallel radical Islamist discourse in Iran. Mir-Hosseini argues that the post-fundamentalist discourse of the *Zanan* magazine is changing the very terms of not only the *Shari'ah* discourse on women but that of the Islamic Republic as well in arguing for a type of demarcation between state and religion (Mir-Hosseini.1995:28). Similar to the discourse of Hassan and Ezzat, *Zanan* takes for granted gender equality on all fronts including the rights accorded by the *Shari'ah*. *Zanan* too advocates a brand of feminism that is primarily based on Islam, and not the West, as its source of legitimacy. The authors of *Zanan* do not shrink away from tackling very difficult issues and defending them using religious arguments. They have thus brought about a radical shift in the very premises of the debate on 'women and Islam'.

In agreement with most Islamists, Ezzat is critical of the West and Western feminism (Badran 1994:213). However, unlike most of them she tends to critically examine phenomena attributed to the West without rejecting them wholesale. Furthermore, she is willing to accept the tremendous changes the feminist movement has made possible for women (*ibid*). Notwithstanding this though she defines feminists as mainly secularists who are fighting male domination. Religion on the whole is regarded by them as an obstacle to women's rights. According to Ezzat, 'conflict' between the sexes is the main concept of secular Western feminist theory. Like many other religiously committed women Ezzat is wary of what she sees as the 'individualism' in Western feminism. She emphasises the importance of the collective good over the benefit of individual liberation and self realisation. Hence Islamist gender activists do not use the term 'women's liberation' and nor do they see themselves as engaged in a struggle against men. Family concerns remain important to them even though they are increasingly invading public space.

The feminism of Muslim gender activists can be placed in the broad context of 'Third World feminism' and cultural feminism. Islamist gender activists take the position that the norms and values of Western feminism do not apply to them in total. The gender activist organisation *Karamah* argues that, as women of colour in the U.S. have pointed out earlier, Western feminist theories tended to be unworkable for their communities because they reflected white middle-class concerns and values (*Karamah* 1995). Thus Islamist women point out that it is important to realise that feminist scholarly practices exist within relations of power. The West (usually white upper-class women) dominates the production of this feminist knowledge which does not comprise merely of objective knowledge. Feminism today does attempt to come to terms with and recognise differences based on class, religion and ethnicity. However, an analysis of sexual difference as a cross-culturally singular monolithic notion of patriarchy or male dominance leads to the construction of a similarly reductive and homogenous notion of the 'Third World' difference (Mohanty 1988:65). This image of the oppressed subordinate Third World woman is considered as being especially representative of the Muslim woman.

Gender activists are striving to destroy the myth perpetuated by earlier Western feminist writings on Islam. This Orientalist myth saw a universal, ahistorical monolithic Islam that was uncompromisingly oppressive to women. It viewed Islam as an ideology separate from and outside social relations and practices, rather than as a discourse which included rules for economic, social and power relations. Islamist women are especially critical of Western feminist writings on the subordination of Muslim women. They take a similar position to Third World feminists and women of colour. Mohanty makes a direct attack on Western feminist scholarship and argues that Western feminist writings on women in the Third World must be considered in the context of the global hegemony of Western scholarship - the production, publication, distribution and consumption of information and ideas (Mohanty 1988:64). Marginal or not, this writing has political effects and implications beyond the immediate feminist or disciplinary audience. A homogenous notion of the oppression of women as a group is assumed in many Western feminist writings that seek to produce the image of an 'average Muslim women'. This average Muslim woman leads an essentially truncated life based on her feminine gender and is therefore sexually constrained, ignorant, poor, tradition-bound, religious and domesticated. This is in contrast to the (implicit) self-representation of Western women as

being educated, modern and having control over their bodies and sexualities and the 'freedom' to make their own decisions (Mohanty 1988:65). Mohanty argues that beyond sisterhood there is still racism, colonialism and imperialism. Despite the insistence of Muslim women on the empowerment and liberation they achieve through religion, intellectual elitism often leads to the dismissal of these claims as 'false consciousness'. In the hegemonic Western feminist discourse there continues to be the assumption that the sexual control of women is a universal fact in those countries in which women are veiled. Institutions of veiling and sexual segregation (such as *purdah*) are thus denied any cultural and historical specificity, and contradictions and potentially subversive aspects are totally ruled out. As Islamist women point out, it is wrong to assume that the mere practice of veiling women indicates the universal oppression of women.

The crux of the problem, which now presents a fundamental challenge to feminism itself, lies in the initial assumption of women as a homogenous group or category. However, the explication of the 'Third World difference' includes a paternalistic attitude towards women in the Third World. Feminist anthropology today attempts to address the problem of generalising about Muslim women by looking at historical and cultural specificities. It is acknowledged that the self-representation of women is a necessary and vital corrective to the homogenising tendency of Western feminist discourse. Muslim women bitterly resent the way they are often silenced by the very Western movements that claim to stand up for their rights. Awareness of bias on the whole and of ethnocentrism and Orientalism in particular is of crucial importance to the Muslim women's quest for autonomy. Furthermore it is imperative to overcome the rigid subject/object dichotomy if we are to surmount anthropology's patronising practices.

5.6 De-Essentialising Feminism and Fundamentalism

Much of the modern political and social science discourse accepts unquestioningly the concept of a monolithic 'fundamentalism' that is categorically opposed to feminism. A good example here is the U.K.-based organisation *Women Against Fundamentalism* (WAF). This organisation has as its basis the assumption that religious fundamentalism poses a huge threat to feminist activities and women's rights. WAF argues that religious fundamentalism has encouraged abuses of human rights and specific attacks on women and

women's rights (WAF 1994). WAF considers that "the overall effect of fundamentalist movements has been very detrimental to women, limiting and defining their roles and activities and actively oppressing them when they step out of line. This link between fundamentalism and women's oppression has been recognised in many countries....." (Sahgal 1992:9). WAF do not in any way acknowledge the ambiguities and contradictions in the religious revival towards gender. Whilst it is partly true that much of the neo-revivalist discourse promotes gender inequality, it should be noted that there are contradictions in the Islamists' discourse and practice relating to gender. Furthermore, due to their active involvement in these religious movements Islamist women have become empowered and gender conscious in unexpected ways.

Overwhelming evidence points to the growing assertiveness of many women that is based on the egalitarianism of the Qur'anic message. Islamist women affirm that although different in biology, role and function women are equal before God and equally responsible for maintaining the moral order. Their equality, they argue, is not granted as a gift from men due to benevolence but is assumed to be a God-given right affirmed repeatedly in the Qur'an. In most Muslim societies where there are extreme differences of wealth but where education and technological training have provided avenues of social mobility, the egalitarianism promoted by the Islamist organisations affirms the brotherhood and sisterhood of all believers. It cuts across class distinctions, making such common elements as ideological commitment and the profession of faith all important. Islamism has thus paradoxically contributed to the democratisation of society. An outcome of the increased participation of women in Islamic movements has been their politicisation. They display a more demanding attitude in their efforts to address gender discrimination. They tend to assert their rights in language very similar to that used by secular and non-Islamist women's rights activists. There is now a tendency for Islamist women to be not only more open to change but also to try to engage in dialogue with persons outside their movements. As such they may be leading a renaissance and a fundamental rethinking of the values of Islam and its role. Islamists are also trying to create a new trend in the gender division of labour whereby women are active in the work force, albeit under conditions that they see as fulfilling the Islamic requirements.

Many Muslim women ask whether feminists in the West have achieved liberation and live free from the hardships caused by patriarchal customs and institutions (Watson 1994:155). They question whether the modernised husbands of working women take on household chores. The women's questions and commentary point to the need for studies that recognise critical or divergent views of Western norms and values. The integration of other voices is necessary to avoid a polarised Western feminist representation of Muslim women under the impact of religious 'fundamentalism'. The integration of other voices is necessary to prevent the Muslim woman taking the place of the irrational and inferior Oriental unable to represent herself.

Islamic 'fundamentalism' is not a monolithic entity that is always opposed to women's rights. Islamism is not imposed on women from above. Indeed, many women choose consciously to adopt it. My study has made it clear that there are as many interpretations of Islam as there are 'feminisms' and in some manifestations the two overlap. There are many new forms of women's activism that can be denoted 'feminist' within the religious framework. Even within the Islamist movements women's gender activism seeks to subvert the hegemony of the dominant Islamist discourse on gender relations.

Conclusion

In this thesis I have looked at the change and evolution of feminism(s) among Muslim women in the past few decades. The rise and expansion of feminist groups throughout the Middle-East this Century has been an important indicator and facilitator of social and economic change. The language of liberalism, social equality and human dignity has today become globalised and widely accepted. The discourse of feminism was initially primarily based on secular liberal principles, although an alternative more religiously based discourse was also present. In its origins, feminism in the Middle-East was influenced by the colonialist-Orientalist discourse which saw all religions as regressive and Islam as inherently oppressive to women. Religion and tradition were seen as blocking the path to modernity, development and 'sexual equality'. This discourse presumed a monolithic, rigid Islam that justified and perpetuated sexual discrimination. The sex/gender system and all that it entails have thus undergone profound change in Middle-Eastern countries. Today, world capitalism has drawn women into the work-force and there is a growing necessity in most areas for more women to earn a cash income. Economic development, universal schooling, mass communications and legal reforms in the Middle-Eastern countries have produced a stratum of women whose very existence subverts the patriarchal order. In conjunction with mass female education and the entry of women into the formal work-force the expanded activities of women's organisation have proved to be a strong challenge to patriarchy.

Conservative religious forces throughout the world have been resisting the enormous challenges to the patriarchal world order. Religious authorities have attempted to conceal the more ambiguous currents of their own traditions, since this consolidates their authority and discourages others from disrupting the status quo. Within world religions such as

Islam there is a general effort to muster tradition in order to withstand the inroads of modernity. Western cultural influences threaten to overwhelm local culture and obliterate Islamic institutions. Muslim societies are thus struggling in their confrontations with enormous cultural dilemmas as they are rethinking, re-negotiating and, in some instances, re-inventing traditional society, often with unique modern tones. Although the marshalling of tradition, evidenced by the growth of identity politics and 'fundamentalism' world-wide, has been linked to socio-economic and political factors, however, it is important to see this resurgence as a social and cultural reality, albeit interacting with these infra-structural changes.

Organised anti-feminism has emerged in many parts of the world to resist the changes occurring in the 'patriarchal' systems. This backlash movement has emerged partly due to the perceived threat of feminism to material and status interests. These anti-feminist movements have been described as pro-institutional in character; *i.e.* supportive of the establishment and the status quo. Dworkin, in his study of anti-feminism in the Western sphere, writes that there are several vested interest groups whose position in the political economy is threatened by the growing success of feminist activism (Dworkin 1987). Overt organisational support for anti-feminism in both the Western and Middle-Eastern situations is obtained from the clergy of major orthodox religious organisations. Changes in gender definition systems threaten basic tenets and the authority of male-dominated orthodox, conservative and neo-revivalist religion. However, it is not men alone who are threatened by these changes. Despite the substantial altering and expanding of the roles of women due to urbanisation and industrialisation, there are many who continue to be encapsulated in traditional familial roles and who find these roles to be fulfilling. For such women the changes proposed by feminist movements may undermine their economic and social status. Much of the feminist discourse appears to ordinary Muslims to be quite foreign. It uses concepts such as 'equality' and freedom that are indeterminate and could be easily be appropriated. For conservatives and Islamists the family has become the last bastion against Western cultural encroachment. Therefore the recent global upsurge in identity politics has focused especially on women and the family. By stressing strictly defined gender roles the Islamist movements have in many ways attempted to push women back into their homes and deny them the privileges and rights that they had achieved in the course of modernist reform.

Contemporary feminist activism is a counter-response to the increasing popularity of Islamist movements and state attempts to change family law. Middle-class women have assumed a pivotal role as Islamists and non-Islamists in the social and political changes. These women themselves are now in the centre of change and discourse about change in the Middle-East. Prominent women such as Nawal el-Saadawi, political spokeswoman Azam Taleqani, Fatima Mernissi and her region-wide network of anti-fundamentalist activists and intellectuals and the growing silent minority of women at work in the government, universities and factories are spurring development and change. Therefore the Islamist backlash is primarily directed at middle-class women with education and jobs. The complaints about Westernisation, taking inappropriate forms of employment and ignoring the family and home is primarily directed against them. As I have indicated earlier this is largely because most of the educational and employment gains made by women under the newly independent modern states were unequally distributed: middle and upper-class women emerged as the largest beneficiaries, and only a very small segment of working class women joined them. The modernising policies of the state have often led to a deterioration of women's position, particularly in the countryside.

Even though modernist-nationalist discourse was instrumental in bringing about massive changes in patriarchal gender systems, change was not uniform in all areas of life. The primary goals of the nationalist reformers were to develop a synthesis that would successfully preserve the structure of the Islamic family (and its gender roles and relations) and the social acceptance of women's education and work that are Western indices of modernisation. Despite the huge changes, modern patriarchal systems emerged which allowed women increased public participation in education and employment but kept the asymmetrical definitions of gender roles and relations within the family. Similarly in the West modernisation did not begin by extending the principles of liberty and equality to women. Even when the struggles of women expanded the public principles of liberty and equality to women, the family remained as a social arena where patriarchy (and gender inequality) was firmly entrenched. Thus in the Middle-East the modernist-liberalist discourse that stressed the public liberty of women co-existed with personal forms of subordination in the family, the work place and the political systems. Modernist personal status laws themselves did not challenge the hierarchical nature of the marital relationship.

I have explored how campaigns for reform in patriarchal personal status laws in Egypt and Iran are occurring in the context of gender activism. Gender activists challenge the supremacy of the *Shari'ah* in the Islamic religious heritage. They question its supposed 'divinity' and immutability.

All the differing ideologies in the Middle-East whether nationalist, socialist or Islamist have recognised and challenged the oppression of women in underdeveloped Muslim societies. All these ideological forces have seen the liberation of women within the context of liberation of the whole society whether it be from the outmoded cultural norms or decadent social customs. Haddad has described the important characteristics that distinguish the Arab feminist movement from its counterpart in the West (Haddad 1985:296). These characteristics are generally true for Muslim societies such as Egypt and Iran. In the Arab context feminism is not based on the concept of the liberation of the individual. Its most prominent advocates have been men who have taken up the cause of women. Haddad points out that the feminist movement in all its various manifestations has never advocated sexual liberation (*ibid*). Moreover, from its inception it has had to consistently disavow such a goal in order to survive. Old boundaries between Islamist and feminist women have to an extent blurred today and a new trend is observable in Muslim countries. Muslim women today exhibit a variety of 'feminisms' which they seek to articulate in more indigenous terms. Within this broad spectrum of gender activism many of the core values of Western feminism are espoused. Since the contemporary climate is not receptive to overt confrontational feminism of two decades ago, gender activists eschew labels and public identification with feminism.

The sacred history and religious texts continue to have strong influence on the position of contemporary Muslim women. I believe that the majority of Muslim women wish to seek their autonomy and subjectivity within the religious tradition. An important distinction that the gender activist discourse has made is that between Islam and patriarchy. They acknowledge that many patriarchal ideas and institutions have been built into orthodox establishment Islam and the *Shari'ah*. However, they point out that an alternative reading of Islam or Islams is possible. Islam is not monolithic, static and immutable as those who advocate a dogmatic literalist assertion of one correct interpretation of the Qur'an and *Sunnah* would have it. Muslim gender activists argue oppression of women is real but is

extrinsic to Islam: had the true intent of the Qur'an been followed. Gender equality, they say, was undermined by Arabian patriarchal practices and by imports from surrounding inegalitarian civilisations. Thus contemporary gender activists position themselves against the previous trend of secular feminism that blamed Islam for being irrevocably gender-inegalitarian. The critique of the gender activist position points out, however, that there is substantial scriptural basis for discriminatory practices. They argue that reform in gender relations if undertaken within the Islamic framework would be forever confined and restricted. This is because many of the revealed Verses in the Qur'an deals with issues relevant to women such as polygamy, divorce and the relationship of the wife and husband. The interpretations of these Verses can only generate conflict since they trespass on the domain of revelation. There are many Verses in the Qur'an that have constantly proved difficult if not impossible to be translated in more gender egalitarian terms.

6.1 The Critique

Whether the Qur'an and later Islamic law improved the position of women and, if so to what degree, remains a matter of controversy. The predominant scholarly view that is reiterated by gender activists is that the Qur'an marked an improvement on previous practices in certain ways, though not as dramatic an improvement as is held by most believing Muslims. They argue that the Qur'an prescribed some improvements for women (but on balance not for those from matrilineal tribes) and some limitations. Improvements were not revolutionary, nor do we know enough about the practices of all tribes to be able to evaluate them precisely. Gender activists have adopted a permissive attitude towards early Islamic history and searched for positive aspects to support their arguments; *e.g.* they emphasise the role of Khadija and A'isha and the female warriors.

Modernist reformers and gender activists claim that some of the objectionable rules in the *Shari'ah* may now be reformed by reviving the techniques of *ijtihad*. However, these scholars find it difficult to claim that such reform could possibly remove all discriminations against women and non-Muslims because *ijtihad* itself has its limitations. Thus if one was to rigidly apply the orthodox methods of Islamic jurisprudence it would be impossible to remove all discriminations: in the orthodox interpretation *ijtihad* is not permitted in any matter governed by an explicit and definite text of the Qur'an or *Sunnah*. Many of the

discriminatory rules are based on these texts and are thus not open to reform through *ijtihad* nor through any other technique known to historical *Shari'ah*.

It is my view that it is virtually impossible to argue against certain Islamic practices (such as polygamy and male prerogatives in repudiation) using the usual methods of historical/biographical criticism or textual criticism. Whilst gender activists have tried to restrict these practices by pointing out and emphasising the numerous qualifications, provisos and conditions that they argue were intended to prevent the abuse of these practices, they find it difficult to justify their outright abolition. The only serious alternative option that appears viable for the future of the gender activist discourse seems to me to be to emphasise the **egalitarian precepts of the Qur'an** and to consider them to be the binding and eternal ones. The discriminatory edicts have to be dismissed as being relevant **only to the 7th Century and only to the then Arab society**. This position has been exemplified by Mahmoud Taha⁸⁷. He argues that the only way out of the dilemma of modern Muslims is to evolve Islamic law to a fresh plane, rather than simply waste time in piecemeal reform that will never achieve the moral and political objective of removing all discrimination against women in the *Shari'ah*. However, such a view is unlikely to become immediately widely accepted since, according to the 'orthodox' view, specific injunctions of the Qur'an cannot be ignored or tampered with by professing Muslims.

Muslim gender activists are therefore open to the risk of being marginalised by both the religious orthodoxy and the secular feminists. Gender activists by aiming to reclaim and reinterpret religion are open to being labelled heretical and denied legitimacy within the orthodox canons. Similarly, American feminists working within the framework of religion were labelled as being 'ungodly' in the first wave of American fundamentalism (De Berg 1990). By keeping as close as possible to orthodox methods and tools of interpretation of the sacred texts, gender activists are trying to counter any claims of heresy. However, I believe that Muslim gender activists are in essence arguing that gender equality cannot be achieved until Islam as we know it today is radically altered. Furthermore, many authorities are highly critical of their endeavours. For example, in the case of Christianity critics argue that Christian feminism is untenable as there are no solid scriptural grounds

⁸⁷ Many male progressive interpreters of the Qur'an have paid with their lives. Mohammed Mahmoud Taha was executed, Ashgar Ali Engineer escaped bombs in India and the Tunisian Tahar Haddad was persecuted.

for it. Although one can read feminist content into scripture (e.g. by attributing feminist motive to Jesus' treatment of women), critics such as theologian Hampson feel that such efforts are wholly made by women who have already decided to maintain their Christian allegiance and who are thus faced with having to derive the feminist present from a patriarchal past (Madsen 1994). This she describes as a bending of the truth to shore up received doctrines. Obviously the same criticism can be levelled at Muslim gender activism too. However, in my view this accusation can be countered by the proposition that religious tradition is diverse and ambiguous enough to permit radically different interpretations, as is evidenced by early Islamic history and some contemporary movements. Many reformers are of the view that Islam, like all the great religions, is a reserve of symbols, values and ideas for which it is possible to derive a contemporary political and social code. The issue of women's role in society according to Islam will continue to remain a very complex issue. Whilst the Muslim gender activist discourse has many problems, it is nevertheless important as an alternative interpretation that is empowering to women.

The desire for reinterpretation by gender activists and reformers is clearly motivated by an urgent need to accommodate the ideals and requirements of the modern age. However, it is not just gender activists who are selective in looking at the religious scriptures. All the parties involved in the debate over women's status have manipulated women's history.. Both Islamist and non-Islamist women find historical examples and scriptural interpretations to support their cases. Those who argue for a conservative position and continued or re-imposed restrictions on women's activities have had an easier time formulating their positions because there are abundant later *Hadith* to draw upon.

6.2 The Future?

During Islamic history women's active participation in formal religion and leadership roles has been relatively small. Female leaders of women's religious ceremonies, women saints, shrines, pilgrimages and ceremonies - all of which express women's initiative - were prominent in Shi'a Islam; and were also to a lesser degree present amongst Sunnis. The contemporary feminisation and democratisation of religion involve the active participation of women in formal religion on a much larger scale. A new generation of Muslim women

can be observed that are not only educated in the liberal arts and sciences but who have also acquired a deeper knowledge of Islamic literacy through study of the Qur'an and the *Hadith*. Despite the emphasis on traditional gender roles in some of its manifestations, Islamism has been of extreme importance in increasing feminist consciousness. Furthermore, notwithstanding the many traditional Islamic sanctions against women leaders, today we observe the existence of several Muslim women heads-of-states. Whilst their achievements are due in part to their kinship relations to prominent male politicians, nevertheless the very fact of a woman achieving such positions is remarkable given the present religious climate and the emphasis on women's domesticity.

Within the Islamist movements there is a growing crisis in the movements' relations with its female adherents and sympathisers. There is a greater effort to address the needs and aspirations of 20th Century women. The similarity in core 'feminist' values and on issues of education and employment between Islamist, non-Islamist and secular women is quite striking. However, at present despite the common concerns and emerging tentative dialogue the divisions between non-Islamist and Islamist women remain sharp (Mumtaz 1994). The antagonism between the two persists and suspicions run deep. Whilst non-Islamist and Islamist women share much common ground on matters of education, employment, family planning and political participation the *hijab* and *Shari'ah* law constitute the dividing line.

Many continue to re-iterate the Orientalist view that the Islamic *hijab* symbolise suppression and backwardness. The 'system' that subordinates women continues to be assumed to be a monolithic and static Islam. Abu Odeh has argued that the veil is seen as being dis-empowering to women, often due to the normative assumptions of feminist women (Abu Odeh 1993:31). Such assumptions by Arab feminists are based on the premise that women should be able to express themselves sexually. Middle-Eastern feminism however, has never argued for sexual liberation in Western terms. Therefore, seen from a Western feminist perspective there is indeed a very awkward fit between feminism and Islam. The feminisms and arguments of Islamist gender activist women are a vital corrective to the homogenising tendencies of Western theoretical perspectives on Islam. Women's own voices describe the liberating potential of the veil. Watson argues that what these women who have adopted the veil in very different environments have in

common is that they form an active politicised response to forces of change, modernity and cross-cultural communication (Watson 1994:156). Given the complexity and rich symbolism in the institution of veiling it is a fallacy to consider the veiling in the contemporary Islamist movements as a regressive return to 'the veil'. It is obvious that in many ways the contemporary re-veiling has taken on a new meaning and significance as well as practical implications.

Feminist scholarship has to address the bias and reductionism of a monolithic Islam or a 'fundamentalist Islam' that is oppressive to women. The destruction of the myth of the subjugated Muslim woman and the acceptance of 'difference' means itself the fragmentation of a hegemonizing Western feminism. It is essential to recognise the diversity of Muslim women's experience and perception both within specialist and popular discourse. Researchers should consider the extent to which their work repeats and reinforces negative media representations of Muslim women. We need to consider the compatibility of Islamic ideals and female emancipation in greater depth whilst being wary of ethnocentric and Orientalist bias. The gender activist discourse shows much promise in becoming a global discourse and assisting Muslim women to achieve a degree of autonomy and independence in the future. It is time we realised that Muslim women are capable of representing themselves and of articulating their needs and desires.

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Journals which I found specially useful include Trends, Journal of Islamic Social Sciences and Journal of Muslim Minority Affairs..

⁸⁸ Gayoom was trained as an *'alim* at al-Azhar University, Cairo